

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA, : 19-CR-286(AMD)

Plaintiff, :

-against- : United States Courthouse  
Brooklyn, New York

ROBERT SYLVESTER KELLY, :

Defendant. : September 2, 2021  
9:30 a.m.

- - - - - X

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE ANN M. DONNELLY  
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Government: JACQUELYN M. KASULIS  
Acting United States Attorney  
BY: ELIZABETH GEDDES  
NADIA SHIHATA  
MARIA E. CRUZ MELENDEZ  
Assistant United States Attorneys  
271 Cadman Plaza East  
Brooklyn, New York

For the Defendant: DEVEREAUX L. CANNICK, ESQ.  
NICOLE BLANK BECKER, ESQ.  
THOMAS FARINELLA, ESQ.  
CALVIN HAROLD SCHOLAR, ESQ.

Court Reporter: Andronikh M. Barna  
225 Cadman Plaza East  
Brooklyn, New York  
(718) 613- 2178

Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

Proceedings

2443

1 (In open court; jury not present.)

2 (Parties present.)

3 THE CLERK: All rise.

4 THE COURT: Everybody can have a seat.

5 All right. Good morning, everyone. Hope everybody  
6 survived.

7 How many witnesses do we have for today?

8 MS. GEDDES: We have four witnesses. Well, we have  
9 three plus witnesses. One witness is en route. Her plane was  
10 diverted last night, but we are optimistic that she'll land  
11 and we'll get her.

12 THE COURT: Okay. It has been an unusual 24 hours,  
13 so we'll see what we can get done today.

14 And I assume you gave counsel notice?

15 MS. GEDDES: Yes.

16 THE COURT: Great. Anything from either side before  
17 we get the witness and the jury?

18 MR. CANNICK: No, Your Honor. Just thank you for  
19 Your Honor's patience.

20 THE COURT: That is fine. Do not worry about it.  
21 Let's get the witness and then we will get the  
22 jurors.

23 (Discussion held off the record.)

24 (Witness enters the courtroom. )

25 THE CLERK: All rise.

Proceedings

2444

1 (Jury enters the courtroom.)

2 THE CLERK: You may be seated.

3 THE COURT: All right, jurors. Good morning. Glad  
4 to see you are all safe and dry. It has been an eventful  
5 24 hours, but we are ready to proceed. I appreciate your  
6 patience.

7 Are you ready to call your next witness?

8 MS. GEDDES: Yes, Your Honor. The government calls  
9 Yongfei Wu.

10 THE CLERK: Please raise your right hand.

11 Do you solemnly swear or affirm that the testimony  
12 you're about to give will be the truth, the whole truth, and  
13 nothing but the truth?

14 THE WITNESS: Yes, I do.

15 (Witness sworn.)

16 THE CLERK: Thank you. You may be seated.

17 THE COURT: And you can take your mask off.

18 All right. Good morning.

19 THE WITNESS: Good morning.

20 THE COURT: Just a couple of things. I want to make  
21 sure the microphone is working. Just give it a tap.

22 THE WITNESS: Hello? Do you hear me?

23 THE COURT: Well, maybe you have to turn it on.

24 THE WITNESS: Hello? Do you hear me?

25 THE COURT: That is good. That is good. You might

Proceedings

2445

1 want to pull it a little bit closer to you. Great.

2 So our court reporter records everything that  
3 everybody says, she takes it down, so it is really important  
4 that you speak slowly so it does not make her job too hard.  
5 And it is also important that we not speak over one another  
6 for the same reason.

7 If there is a question that you want to have  
8 repeated or clarified, tell me and I will direct the lawyers  
9 to rephrase it.

10 And just do your best to answer only the question  
11 you are being asked. Okay?

12 THE WITNESS: Sure.

13 THE COURT: All right. Go ahead.

14 MS. GEDDES: Your Honor, I am going to begin by  
15 reading into the record a stipulation entered by the parties.

16 THE COURT: Okay.

17 MS. GEDDES: The stipulation reads: It is hereby  
18 stipulated and agreed by and between the undersigned parties  
19 that on July 15th of 2021, pursuant to a court-authorized  
20 search warrant, Detective Dana Galante with the New York City  
21 Police Department obtained a buccal swab from the defendant,  
22 Robert Kelly the defendant's -- and then in parentheses, the  
23 defendant's buccal swab.

24 The defendant's buccal swab was then provided to the  
25 Illinois State Police, ISP; the Forensic Science Center, FSC;

Proceedings

2446

1 and vouchered as Lab Item 2 and Lab Subitem 2a within ISP,  
2 FSC, Case No. DFS 19-007090.

3 This stipulation is admissible in evidence at this  
4 trial and it is signed by all parties and I am going to mark  
5 that as Government Exhibit 1005.

6 THE COURT: Okay.

7 (Continuing on the next page.)  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Proceedings

2447

1 **YONGFEI WU**, having been first duly sworn, was examined and  
2 testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MS. GEDDES:**

5 Q Where do you work?

6 A Illinois State Police, Forensic Science Center in  
7 Chicago.

8 Q What is your title at the Forensic Science Center in  
9 Chicago?

10 A Forensic scientist.

11 Q How long have you worked as a forensic scientist at the  
12 Forensic Science Center of Chicago?

13 A Six and a half years. During the first one-and-a-half  
14 years, is -- there's training program that's in Springfield,  
15 Illinois, in the training lab. That's one-and-a-half years.  
16 Then the next five years is at the Forensic Science Center in  
17 Chicago.

18 Q And do you work within a specific unit at the Forensic  
19 Science Center of Chicago?

20 A Yes. It's called biochemistry section.

21 Q What is the biochemistry section responsible for?

22 A Responsible for forensic biology and forensic DNA  
23 testing.

24 Q So it's responsible for forensic biology and DNA testing?

25 A Yes.

Proceedings

2448

1 Q What are your duties and responsibilities at the Forensic  
2 Science Center in the biochemistry unit?

3 A Conducting forensic biology analysis, conducting forensic  
4 DNA analysis --

5 THE COURT: I am just going to ask you, I just want  
6 to make sure you are speaking into the microphone.

7 THE WITNESS: Okay.

8 THE COURT: The chair does not move. Sorry about  
9 that. But just try to bring the microphone a little bit  
10 closer.

11 A So conducting forensic biology analysis, conducting  
12 forensic DNA analysis, write a report, conducting peer review,  
13 testimony in court.

14 Q All right. So at the Forensic Science Center, you  
15 conduct forensic biology testing; is that correct?

16 A Yes.

17 Q As well as forensic DNA testing?

18 A Correct.

19 Q And you mentioned that you also do peer review?

20 A Right.

21 Q What do you mean by peer review?

22 A That's to review my colleagues' cases.

23 Q So are you referring to your colleagues' cases involving  
24 forensic biology and forensic DNA testing?

25 A Right. They write reports and then I conduct peer

Proceedings

2449

1 review.

2 Q You review --

3 A Before it was mailed.

4 Q All right. So you testified that you review the forensic  
5 reports drafted by your colleagues; is that correct?

6 A Correct.

7 Q Is the Forensic Science Center of Chicago an accredited  
8 lab?

9 A Yes.

10 Q Who is it accredited by?

11 A It's called ANSI-ANAB, American National Standard  
12 Institute - National Accreditation Board, based on ISO 17025  
13 standards.

14 Q And is that also known as ANSI, A-N-S-I?

15 A Yes.

16 Q And then you said it was the National --

17 A ANAB.

18 Q The National Accreditation Board?

19 A Yes.

20 Q Can you tell the jury about your educational background?

21 A I received my bachelor's degree in medicine. In China,  
22 the first degree in medicine. Medicine is the first degree,  
23 not like in United States, it's -- we are second degree,  
24 after. The degree after are college graduation. In China,  
25 it's the first degree after your high school, that's in



Proceedings

2450

1 medicine. In the year 1994 from Xi'an Jiaotong University in  
2 China. Xi'an is spelled X-i-'-a-n. Jiaotong is spelled  
3 J-i-a-o-t-o-n-g. That university in Xi'an, China.

4 Q So you received your bachelor's in medicine; is that  
5 correct?

6 A Yes. That's in the year 1994.

7 Then I received my bachelor's degree in forensic  
8 medicine from same university in the year 1997.

9 And I receive my bachelor's degree in forensic  
10 medicine from same university in the year 2004.

11 THE COURT: What is the name of the university where  
12 you got those degrees?

13 THE WITNESS: Xi'an Jiaotong University in Xi'an,  
14 China.

15 THE COURT: I see. Okay.

16 Q And the final degree that you received from that  
17 university, what was that again?

18 A It's doctorate degree in forensic medicine.

19 Q A doctorate degree?

20 A Yes.

21 Q In forensic medicine?

22 A Yes. That's Ph.D.

23 Q And after you received your Ph.D. in forensic medicine,  
24 what type of employment did you pursue?

25 A I had ten years of cancer research experience at National

## Proceedings

2451

1 University of Singapore and the University of Chicago and the  
2 University -- and also Northwestern University in Chicago  
3 also.

4 Q All right. So you conducted cancer research at two  
5 universities in Illinois; is that correct?

6 A Three. Two university in Illinois and one in Singapore,  
7 totaling ten years.

8 Q You testified earlier about a training -- a  
9 one-and-a-half year training program that you participated in  
10 at the Forensic Science Center?

11 A Oh, it's not at Forensic Science Center. It's in a  
12 training lab at -- in Springfield.

13 Q And can you describe what is involved in that training  
14 program?

15 A It's -- there's training on forensic biology testing and  
16 forensic DNA testing.

17 Q And that was a year-and-a-half long program?

18 A Yes.

19 Q And do you also receive continuing education through the  
20 Forensic Science Center?

21 A Yes.

22 Q What type of continuing education do you receive?

23 A That's certificate -- conference, certificate, seminar  
24 and literature review, totaling eight hours a year.

25 Q So you receive eight hours of continuing education each

Proceedings

2452

1 year?

2 A Yes.

3 Q As a forensic scientist, have you had occasion to perform  
4 DNA testing on items submitted to the Forensic Science Center?

5 A Yes.

6 Q Approximately, how many times have you conducted such  
7 tests?

8 A Thousands of times.

9 Q Thousands of times?

10 A Yes.

11 Q And have you previously testified as an expert in court  
12 regarding DNA testing and the interpretation of that testing?

13 A Yes.

14 Q How many times have you testified in court?

15 A Twice.

16 Q And where was that?

17 A In Illinois.

18 Q In Illinois?

19 A Mm-hm.

20 MS. GEDDES: Your Honor, pursuant to Federal Rule of  
21 Evidence 702, I would like to offer Mr. Wu as an expert in the  
22 field of forensic biology and DNA analysis.

23 MR. CANNICK: No objection.

24 THE COURT: Okay. Ladies and gentlemen, I will give  
25 you a little bit more of a -- I think I told you this before,

## Proceedings

2453

1 but whenever somebody testifies as an expert in an area that  
2 most of us don't have expertise in, they are permitted to  
3 testify as to certain things. I will give you a detailed  
4 instruction about that in my final charge.

5 Go ahead.

6 MS. GEDDES: Thank you.

7 Q Can you briefly explain to the jury what DNA is?

8 A DNA is the genetic blueprint of life passed down from  
9 generation to generation. It encodes various of genes which  
10 are responsible for various types of factions of life.

11 Q So you described it as the genetic blueprint of life that  
12 is passed on from generation to generation?

13 A Yes.

14 Q Now, is every person's DNA unique?

15 A Yes, except identical siblings.

16 Q So aside from identical twins --

17 A Right.

18 Q -- each person has a different DNA?

19 A Each person has a unique DNA sequence.

20 Q Where do you find DNA in a person's body?

21 A All types of cells, except mature red blood cells.

22 Q So cells throughout your body --

23 A Yes.

24 Q -- contain DNA?

25 A Mm-hm. Except the mature red blood cells.

Proceedings

2454

1 Q All right. So with the exception of mature red blood  
2 cells that; is right?

3 A Right.

4 Q And is a person's DNA the same throughout each of those  
5 cells where DNA is found?

6 A Yes, except some mutation. Mutation happening in some  
7 cancer cases, you can have some mutation.

8 Q But aside from mutations caused by cancer, one's DNA is  
9 the same throughout their body?

10 A Right.

11 Q And does DNA remain the same throughout one's life?

12 A Yes.

13 Q Are you familiar with the term "DNA profile"?

14 A Yes.

15 Q What is a DNA profile?

16 A DNA profile is a combination of different alleles and  
17 different loci we find. For each specific person and each  
18 specific locus, there are two alleles, one from father and one  
19 from mother. If those two alleles are same, they're called  
20 homozygous in that locus. If they are different, then they  
21 are called heterozygous.

22 Q Let me back up just a moment.

23 For the most part, is the DNA in one person the same  
24 as DNA in other people?

25 A Big majority of DNA sequence among different people are

Proceedings

2455

1 the same. Only small portion of DNA among different people  
2 are different.

3 Q And so for the most part, your DNA is the same among  
4 everyone in the room?

5 A Right.

6 Q But are there certain portions of an individual's DNA  
7 that varies from person to person?

8 A Correct.

9 Q Are you familiar with the term "short tandem repeat" or  
10 STR?

11 A Yes. That's the marker we use for forensic  
12 identification.

13 Q And are short tandem repeat or STRs, does that vary from  
14 person to person?

15 A Yes. It is called polymorphic. In terms of forensics,  
16 it's called polymorphic. That means different people might  
17 have different alleles at those loci. That's called  
18 polymorphic. And we use that polymorphism for forensic  
19 identification.

20 Q And you used the term "loci" or "locus." What do you  
21 mean by that?

22 A That's the specific DNA areas. They are the polymorphic  
23 areas. Those DNA sequence are different from people to  
24 people.

25 Q Okay. So is loci or locus just another word for --

Proceedings

2456

1 A Plural and singular, yeah.

2 Q Is it just another word for location or area?

3 A Yes, location or area. Yes.

4 Q And you also talked about the term "allele"?

5 A Yes.

6 Q What is an allele?

7 A Allele, in forensics, is called -- it's DNA type. So I  
8 have a specific locus for this person, that's two -- there are  
9 two alleles, one from mother and one from father.

10 Q All right. And in a -- can you explain what is included  
11 in a DNA profile?

12 A My current kit has 24 loci. One is called amelogenin;  
13 that's a sex marker. The other 23 are called STR loci.

14 Q All right. So within a DNA profile, are you essentially  
15 looking at 24 different markers?

16 A Yes.

17 Q And are 23 of those markers called the STR loci?

18 A Right.

19 Q And then is there an additional marker -- we'll call it  
20 the 24th marker -- that comes from amelogenin; is that  
21 correct?

22 A Yes.

23 Q And what is the amelogenin marker?

24 A Amelogenin marker is a sex chromosome. Human cells  
25 contain -- each human cell contains 23 pairs of DNA

## Proceedings

2457

1 chromosomes. The 23rd pair is called sex chromosome. One is  
2 called Y chromosome, another one is called S chromosome. S  
3 chromosome is from mother. For male person, the Y is from --  
4 Y chromosome is from father, X is from mother. For a female  
5 person, one X is from father and the other X is from mother.

6 Q All right.

7 A The amelogenins for a male contributor, there are two  
8 peaks, one from Y and one from X. For a female contributor,  
9 there's only one peak; that's called X.

10 Q Now, are you able to determine one's sex or -- from a DNA  
11 profile?

12 A Yes.

13 Q What is used to determine sex from a DNA profile?

14 A An amelogenin at a locus, if there are two peaks, one Y  
15 peak, one X peak detected, I call that a male contributor.

16 Q If there --

17 A And if there's only an X peak detected, that's called  
18 female contributor.

19 Q All right. So if there's a Y peak present, that  
20 indicates a male?

21 A Yes.

22 There's actually a STR locus. Out of those 23 STR  
23 loci, there's a locus called DYS391. That is a Y chromosome  
24 from only -- only male contributor can be detected allele at  
25 that locus. For female DNA, there's no allele can be



## Proceedings

2458

1 detected. It's only -- this is specific for Y chromosome.

2 Q All right. So are you saying that in addition to the  
3 amelogenin marker, there is also another way to identify the  
4 sex of a particular DNA profile by looking at one of those 23  
5 STR loci?

6 A Yes.

7 Q And I think you indicated a particular name for that  
8 loci, locus?

9 A DYS391 locus.

10 Q All right. And are there -- I don't want you to tell me  
11 them, but are there names for each of the different 23 loci?

12 A Yes.

13 Q And DYS391 is just one of those names, correct?

14 A Yes, yes.

15 Q And that just indicates a particular location, correct?

16 A Yes, yes.

17 Q Now, when case evidence is received in your lab at the  
18 Forensic Science Center, what is initially done with it?

19 A The evidence is assigned a case number for that case.  
20 And then each case may have -- a case may have a different  
21 number of items; then we will assign a different item number  
22 for different exhibit.

23 Q So there is a case number assigned and then, within that  
24 case number, each piece of potential evidence could be  
25 assigned an item number?

Proceedings

2459

1 A Yes.

2 Q Are you familiar -- so once a case number and an item  
3 number for each piece of evidence has been assigned, what  
4 happens?

5 A Then the case will be assigned to an analyst.

6 Q And once it's assigned to an analyst, typically what  
7 happens?

8 A The analyst will do -- the biochemistry section. The  
9 analyst will do biology -- forensic biology testing and then  
10 forensic DNA testing.

11 Q All right. And when forensic biology testing is done, is  
12 that a way to identify whether any biological fluids are found  
13 on a particular type of evidence?

14 A Yes.

15 Q And among the biological fluids that might be found, is  
16 semen one of those?

17 A Yes.

18 Q And then you also mentioned that after the forensic  
19 biology testing is done, it then goes to forensic DNA testing?

20 A Right.

21 Q And that's, at the lab, the type of testing that you do,  
22 correct?

23 A Yes.

24 Q Are you familiar with the term "DNA standard"?

25 A Yes.

Proceedings

2460

1 Q What is a DNA standard?

2 A That's a new standard from a people -- person of  
3 interest. We know the source of that DNA. It's called a  
4 standard.

5 Q Okay. So as opposed to a piece of evidence that is  
6 submitted to the lab for DNA analysis where you don't know the  
7 origin --

8 A Yes, the items from the crime scene, we don't know what's  
9 the source of that DNA. But from the standard, we know who is  
10 the contributor, who is that from.

11 Q All right. So it's fair to say that it's known who is  
12 the provider of that particular sample?

13 A Right.

14 Q And when a DNA standard is submitted to the Forensic  
15 Science Center, what happens?

16 A Same as the question of samples. They assign an exhibit  
17 -- case number and item number.

18 Q And are DNA -- is a DNA standard typically assigned to  
19 the same case number associated with the evidence in question?

20 A In most cases, that's the case.

21 Q And then it is assigned a different item number?

22 A Right.

23 MS. GEDDES: Your Honor, may I approach?

24 THE COURT: Yes.

25 MS. GEDDES: I'm showing the witness what's in

Proceedings

2461

1 evidence as Government Exhibit 241.

2 Q Can you take a look at 241 and identify the case number  
3 assigned to 241?

4 A It's DFS 19-002 -- no, -007090.

5 Q And are you able, from looking at Government Exhibit 241,  
6 to identify the item number assigned to this piece of  
7 evidence?

8 A Yes. That's Item 1.

9 Q And were you able to determine that by looking at this  
10 tag that has been affixed to Government Exhibit 241?

11 A Yes.

12 Q And is that a tag affixed by your lab?

13 A Yes. That's my colleague, Forensic Scientist Veronica  
14 Jackson, did it.

15 THE COURT: Did you say Veronica Jackson?

16 THE WITNESS: Yes, Veronica Jackson.

17 THE COURT: Just make sure that you are speaking  
18 microphone.

19 THE WITNESS: Okay.

20 THE COURT: Thanks.

21 Q And were you asked to analyze evidence within  
22 Case No. 19-007090?

23 A Yes.

24 Q What evidence were you asked to analyze?

25 A Two cuttings from shirt.

## Proceedings

2462

1 Q And I'm showing you Government Exhibit 241, and there  
2 appears to be a cutting here. Were the cuttings that you were  
3 given consistent with these cuts here?

4 A No, they -- I don't remember that. They originally --  
5 Forensic Scientist Veronica Jackson made the cuttings and put  
6 them into two tubes, so I then sealed and put them in the  
7 evidence, both. I took custody from there. So I didn't make  
8 that cutting, so I cannot recognize that cutting.

9 Q Okay. But the cuttings that you received, is it just  
10 consistent with the cuts here?

11 A Right.

12 Q And when I say "here," I'm referring to Government  
13 Exhibit 241.

14 A Right.

15 Q And the cuttings that you received, were those assigned  
16 sub-item numbers?

17 A Yes. They are 1A and 1B.

18 Q And again, you testified that you received those cuttings  
19 from your colleague, Veronica Jackson?

20 A She made cuttings, sealed -- make cutting, put them in  
21 two different tubes and sealed them in the envelope and then  
22 put them in evidence, both. Then I took custody from both.

23 Q So they were placed into evidence and you took over from  
24 there?

25 A Yes.

Proceedings

2463

1 Q Once you received those two cuttings which you identified  
2 as Sub-item No. 1A and 1B within that same case number  
3 associated with Government Exhibit 241, what did you do first?

4 A I did extraction called differential extraction.

5 Q And when you say "differential extraction," what do you  
6 mean by that?

7 A That method is to separate sperm cells from the  
8 epithelial cells in a stain.

9 Q Now, you've just referenced sperm cells and epithelial  
10 cells. Are epithelial cells just another name for skin cells?

11 A Skin cells is one type of epithelial cells. The  
12 epithelial cells also include like oral -- the swab of the  
13 cells from the oral surface and also from the rectal surface  
14 and the vaginal areas, oral areas and also the rectal areas.  
15 Those are epithelial cells.

16 THE COURT: Can I just make sure I understand; you  
17 said from the vaginal area?

18 THE WITNESS: Yes.

19 THE COURT: The rectal area?

20 THE WITNESS: Area.

21 And also oral.

22 THE COURT: The oral area?

23 THE WITNESS: They are all epithelial cells.

24 THE COURT: I see. Go ahead.

25 THE WITNESS: They are not skin cells, but they are

Proceedings

2464

1 epithelial cells.

2 Q And then also, skin cells is another form of epithelial  
3 cells?

4 A Right.

5 Q And so you testified that you performed differential  
6 extraction as a means to separate out the sperm cells from  
7 those epithelial cells; is that correct?

8 A Correct.

9 Q And did you do that on Sub-item 1A and 1B?

10 A Yes.

11 Q Today I want to focus on just the sperm cell fractions of  
12 1A and 1B. Okay?

13 A Okay.

14 Q Now, did you also conduct DNA testing on the non sperm  
15 cell fractions, the epithelial cell fractions?

16 A Yes.

17 Q Okay. So we're going to -- and you also -- in addition  
18 to that, you conducted DNA testing on the sperm cell fractions  
19 for 1A and 1B, correct?

20 A Correct.

21 Q I'm sorry, I was speaking over you. Is that right?

22 A Correct. Correct.

23 Q So again, referring to the sperm cell fraction of 1A,  
24 were you able to determine a DNA profile for the sperm cell  
25 fraction of 1A?

Proceedings

2465

1 A Yes.

2 Q And were you also able to determine a DNA profile for the  
3 sperm cell fraction of 1B?

4 A Yes.

5 Q Now, you mentioned earlier that a complete DNA profile  
6 under your current system includes 24 different loci, the 23  
7 STR markers, as well as the one amelogenin marker; is that  
8 correct?

9 A Yes.

10 Q How many loci were present in the DNA profile that you  
11 identified for the sperm cell fraction of 1A?

12 A 24.

13 Q All 24?

14 A Yes. But two of them are not complete. That means  
15 potentially some -- out of those two loci, the sister -- part  
16 of the sister allele may be missing. It's called incomplete,  
17 partial.

18 Q Were you able to identify alleles at each of the 24  
19 markers?

20 A Yes.

21 Q But I think you are saying that at two of those markers,  
22 you were only able to identify a partial result, so at least  
23 one allele?

24 A Yes. One allele, yeah. The other sister allele may be  
25 missing, so that's why we call it partial result.



Proceedings

2466

1 Q And with respect to the sperm cell fraction of 1B, how  
2 many loci were present in the DNA profile that you identified  
3 for that one?

4 A 24.

5 Q And was that DNA profile a complete profile, including  
6 both alleles at each of the 24 markers?

7 A Correct. That's complete.

8 Q Now, did there come a time that your lab received  
9 additional evidence regarding that particular case,  
10 DFS 007090?

11 A Yes.

12 Q What did you receive?

13 A A buccal swab from Robert Kelly.

14 Q And when you say "buccal swab," what is that?

15 A It's from the mouth cavity -- a swab from the mouth  
16 cavity of Robert Kelly.

17 Q And what was the condition of the buccal swab when your  
18 lab received it?

19 A It was sealed.

20 Q It was sealed?

21 A Yes.

22 Q And the buccal swab associated with Robert Kelly, was  
23 that vouchered as Lab Item No. 2 within that same case,  
24 DFS 007090?

25 A Correct.

Proceedings

2467

1 Q And was testing -- was DNA testing done on that buccal  
2 swab?

3 A Yes.

4 Q And just to be clear, is the buccal swab that you  
5 received for Robert Kelly also known as a standard, a DNA  
6 standard?

7 A Yes.

8 Q And is the reason because you know who provided that DNA  
9 sample?

10 A Correct.

11 Q Were you able to determine a DNA profile for the DNA  
12 standard for Robert Kelly or that buccal swab?

13 A Yes.

14 Q And were you able to identify a complete profile  
15 consisting of alleles at all 24 markers?

16 A Yes, it's complete.

17 Q And just to be clear, was the analysis of the buccal swab  
18 done at a different time than when the analysis was done on  
19 Lab Items 1A and 1B, the cuttings from within Government  
20 Exhibit 241?

21 A Right. They are almost two and a half years apart.

22 Q Okay. Did you have an opportunity to compare the DNA  
23 profile that you generated for the buccal swab of Robert Kelly  
24 to the DNA profile that you generated for the sperm cell  
25 fractions within Sub-item 1A and 1B?

Proceedings

2468

1 A Yes.

2 Q And I want to first direct your attention to the DNA  
3 profile in 1A. What did you determine when you compared just  
4 the DNA profile of Robert Kelly to the DNA profile which you  
5 previously testified was slightly incomplete with respect to  
6 1A?

7 A Mr. Robert Kelly's DNA profile cannot be excluded from  
8 the DNA profile identified in the sperm fraction of Item 1B --  
9 1A.

10 Q Of 1A, correct?

11 A Mm-hm.

12 (Continuing on the next page.)

13

14

15

16

17

18

19

20

21

22

23

24

25

Wu - Direct - Geddes

2469

1 BY MS. GEDDES:

2 Q Of 1A, correct?

3 A Yes.

4 Q Similarly, did you compare the DNA profile of Robert  
5 Kelly to the DNA profile generated for lab item 1B, which you  
6 previously testified was a complete DNA profile?

7 A Yes.

8 Q What did you observe when you compared those two DNA  
9 profiles?

10 A My conclusion is Mr. Robert Kelly's DNA profile cannot be  
11 excluded or is included in that DNA profile and in sperm  
12 fraction of item 1B.

13 Q Thank you for clarifying that. I was just referring to  
14 the sperm cell fraction of 1B.

15 A Yes.

16 Q When you say that it cannot be -- withdrawn.

17 When you look at the DNA profile for those 24  
18 markers on the known standard for Robert Kelly and the 24  
19 markers that you identified for the sperm cell fraction of 1B,  
20 are they the same?

21 A Yes, exactly the same.

22 Q Are you familiar with random match probability?

23 A Yes, that's what I calculated for this case.

24 Q What is random match probability?

25 A Random match probability means how common or how

Wu - Direct - Geddes

2470

1 difficult it is to have a person happen to share the same DNA  
2 profile as 1B and identified in the crime scene items.

3 Q Just to be clear, you testified earlier that with the  
4 exception of DNA -- with the exception of identical twins,  
5 every person's DNA is different, correct?

6 A Yes.

7 Q But now we're not talking about DNA, we're talking about  
8 a DNA profile; is that correct?

9 A Yes.

10 Q Did your lab do any statistical calculations to determine  
11 how rare the DNA profile of the DNA profile found in the  
12 buccal swab for Robert Kelly and the same DNA profile found in  
13 the sperm cell fraction of subitem 1B was?

14 A I didn't calculate the statistics for the profile from  
15 Robert Kelly. I calculated the statistics for the question  
16 sample, the sperm fraction from the file from sperm fraction  
17 of 1A and 1B.

18 Q Okay.

19 A We didn't calculate for standard.

20 Q I understand. With respect to the statistical  
21 calculation regarding the sperm cell fraction of 1A, what did  
22 you determine about the frequency with which that DNA profile  
23 the, one found in 1A, the sperm cell fraction of 1A, is found?

24 A As I stated earlier, the first step -- when I found the  
25 questionable, the DNA profile from sperm fraction of 1A, and

Wu - Direct - Geddes

2471

1 then obtain the DNA profile from standard from Robert Kelly.  
2 Then I compared these two profiles, and see if the DNA profile  
3 from Robert Kelly cannot be excluded or is included in that  
4 DNA profile and the sperm fraction of item 1A, then I cannot  
5 be excluded or is included.

6 Then I calculate the random match probability based  
7 on Federal Bureau of Investigation database.

8 The result I calculated is one in 86 nonillion in  
9 random population.

10 THE COURT: Nonillion?

11 THE WITNESS: Yes. Nonillion is followed by 30  
12 zeros.

13 Q I'm showing the witness only what is marked for  
14 identification as Government's Exhibit 960. Do you see what  
15 is shown as Government's Exhibit 960 on your screen?

16 A Yes.

17 Q On 960 is that an accurate description of the term one  
18 nonillion, one billion, and one decillion?

19 A 1 billion is followed by nine zeros; that is correct.  
20 One nonillion is followed by 30 zeros, correct. And then one  
21 decillion is followed by 33 zeros.

22 MS. GEDDES: The Government offers 960.

23 THE COURT: Any objection.

24 MR. CANNICK: No.

25 THE COURT: That will be in evidence.

Wu - Direct - Geddes

2472

1 (Government Exhibit 960, was received in evidence.)

2 MS. GEDDES: May I publish, please?

3 THE COURT: Yes.

4 BY MS. GEDDES:

5 Q You were testifying about the random match probability  
6 associated with the sperm cell fraction of the DNA profile in  
7 1A; is that correct?

8 A Correct.

9 Q You use the term nonillion?

10 A Yes, 68 nonillion.

11 Q Where my finger is pointing, one nonillion, is that a  
12 numerical representation of what a nonillion was?

13 A Yes, followed by thirty zeros.

14 THE COURT: Sixty-eight, it would be 68 followed by  
15 30 zeroes. Right?

16 THE WITNESS: Yes.

17 THE COURT: Did you also determine the random match  
18 probability associated with the DNA profile for the sperm cell  
19 fraction of the DNA -- for the sperm cell fraction of the item  
20 1B?

21 THE WITNESS: Yes. I compared the filed and sperm  
22 fraction of 1B with the DNA profile from Robert Kelly. I  
23 found followed Mr. Robert Kelly's DNA profile cannot be  
24 excluded or included. Then I cover the statistics for the  
25 sperm DNA filed and identify the item 1B. And then the result

Wu - Direct - Geddes

2473

1 is one in 11 decillion.

2 THE COURT: 11 decillion?

3 THE WITNESS: Yes.

4 THE COURT: So I'm clear, when you say it can't be  
5 excluded.

6 THE WITNESS: The other is included.

7 THE COURT: What are you comparing?

8 THE WITNESS: I compare the DNA profile from the  
9 sperm fraction of 1A and 1B, and the DNA profile from Robert  
10 Kelly.

11 THE COURT: And when you're talking about the  
12 probability, what probability is it?

13 THE WITNESS: That means how rare or how common it  
14 is to find random person happen to share the same DNA profile.

15 THE COURT: Are you saying that Mr. Kelly's profile  
16 was the same as either of those two items or that the  
17 likelihood that it was -- you tell me.

18 THE WITNESS: That statistics shows me that for the  
19 DNA profiles identified the sperm fractions of 1A and 1B how  
20 common it is in the population, how common it is --

21 THE COURT: To find the same.

22 THE WITNESS: -- the same DNA profile.

23 THE COURT: So the same DNA profile is in both of  
24 those samples?

25 THE WITNESS: Yes -- no. I identifying the sperm



Wu - Direct - Geddes

2474

1 fraction of item 1A, there are two not complete.

2 THE COURT: They are not complete.

3 THE WITNESS: But the one identified in the sperm  
4 fraction of 1A and 1B is complete.

5 THE COURT: That's the one that is how many  
6 decillion?

7 THE WITNESS: 11 decillion.

8 THE COURT: Go ahead.

9 MS. GEDDES: Thank you, Judge.

10 BY MS. GEDDES:

11 Q Again, just to be clear, with respect to the sperm cell  
12 fraction of 1B, the alleles at those 24 markers for the sperm  
13 cell fraction of 1B, were the same found in the alleles that  
14 those 24 markers for the DNA profile generated for Robert  
15 Kelly; is that correct?

16 A Yes, they match each other.

17 Q And then you determined, you calculated the random match  
18 probability, which was to determine how rare that particular  
19 profile could be found given that it was the same 24 marker --  
20 the alleles of the same 24 markers in both; is that correct?

21 A Correct.

22 Q So you testified with respect to the sperm cell fraction  
23 of 1B, that the chance that DNA profile would occur in one in  
24 11 decillion individuals; is that correct?

25 A Yes.

Wu - Direct - Geddes

2475

1 Q To put that in perspective, how many people -- what is  
2 the population of the earth?

3 A According to United Nations late test data, it is about  
4 7.9 billion.

5 Q 7 billion?

6 A 7.9 billion.

7 Q To be clear, when you say 7.9 billion, that's 7.9  
8 followed by nine zeros; is that correct?

9 A Yes, 7.9 followed by eight zeros.

10 Q So seven, comma, nine, and then eight zeros?

11 A Yes.

12 Q Fair to say that one -- can you compare the 7.2 billion  
13 with the 11 decillion?

14 A That is over 1 million, billion, billion, times of  
15 current world population.

16 MS. GEDDES: One moment.

17 Q One final question, earlier you testified that the DNA  
18 profile generated for the sperm cell fraction of 1A and the  
19 same one -- the DNA profile generated for the sperm cell  
20 fraction of 1B, could not be excluded from the DNA profile  
21 generated from Robert Kelly; is that correct?

22 A The other way around.

23 Q Can you say it one more time?

24 A The DNA profile from Robert Kelly's cannot be excluded or  
25 is included in the DNA profile I did find in the sperm

Wu - Cross - Cannick

2476

1 fraction of item 1A and item 1B.

2 Q Is another way of saying cannot be excluded, that it's  
3 included?

4 A Yes.

5 Q Then finally you were talking about the random match  
6 probability with respect to the DNA profile found within the  
7 sperm cell fraction of 1B. I think you said that it was one  
8 in 11 decillion; is that correct?

9 A Yes.

10 Q Do you mean there would be one person in 11 decillion  
11 where that DNA profile will occur?

12 A The statistics calculation we expect to find one who  
13 happens to share that same DNA profile one in 11 decillion.

14 Q So one person in 11 decillion?

15 A We expect to see that.

16 MS. GEDDES: I understand, that's just based on  
17 statics.

18 Nothing further.

19 THE COURT: Cross-examination?

20 MR. CANNICK: Yes, your Honor.

21 CROSS EXAMINATION

22 BY MR. CANNICK:

23 Q Good morning.

24 A Good morning.

25 Q The shirt that you were asked to do the analysis for, you

Wu - Cross - Cannick

2477

1 don't know where that shirt came from, am I correct?

2 A No.

3 Q That shirt, you don't know if someone jumped across  
4 someone's fence and went into their home and took the shirt?

5 A I don't know the story.

6 THE COURT: Overruled.

7 Q You don't know, do you, whether or not you were asked to  
8 do a buccal swab analysis comparison for Jerhonda Pace?

9 A No.

10 Q No one asked you to do --

11 A Nobody asked me that standard from Jerhonda Johnson.

12 MR. CANNICK: Thank you.

13 THE COURT: Any redirect?

14 MS. GEDDES: No, your Honor.

15 THE COURT: Next witness.

16 MS. CRUZ MELENDEZ: The Government calls Chris  
17 Wilson to the stand.

18 (Witness takes the witness stand.)

19 THE COURTROOM DEPUTY: Please raise your right hand.

20 (Witness sworn.)

21 THE WITNESS: I do.

22 THE COURTROOM DEPUTY: State your name.

23 THE WITNESS: Christopher M. Wilson.

24 THE COURTROOM DEPUTY: You may be seated.

25 THE COURT: A couple of things. Our court reporter

Wilson - Direct - Cruz

2478

1 takes down everything you say. I obviously I want to make  
2 sure that the jury hears too, speak slowly and into the  
3 microphone. If one of the lawyers asks you a question that  
4 you don't understand or want to have repeated, let me know and  
5 direct them to rephrase it.

6 Try not to speak over whichever lawyer is  
7 questioning you. Again, just makes it harder for the court  
8 reporter to get it down.

9 Just do your best to answer only the question that  
10 you're being asked.

11 Go ahead.

12 **CHRISTOPHER WILSON**, having been first duly sworn, was examined  
13 and testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. CRUZ MELENDEZ:**

16 Q Good afternoon. Are you employed?

17 A Yes.

18 Q How are you employed?

19 A I'm a Special Agent and Computer Forensic Agent for the  
20 United States Department of Homeland Security, Homeland  
21 Security Investigations.

22 Q What is your title there?

23 A Special Agent and Bureau Forensics Agent.

24 Q How long have you been a Computer Forensics Agent?

25 A I've been a Computer Forensic Agent for about two years.

Wilson - Direct - Cruz

2479

1 Q Can you explain your duties and responsibilities as a  
2 Computer Forensics Agent?

3 A Sure. We support over 500 Special Agents in our office.  
4 And any evidence that's electronic evidence that they seize,  
5 they bring it to us for imaging and images, make an exact copy  
6 of the evidence for analysis.

7 Q Did you conduct forensic examinations of devices obtained  
8 pursuant to court authorized search warrants in connection  
9 with this case?

10 A Yes.

11 MS. CRUZ MELENDEZ: Your Honor, may I approach?

12 THE COURT: Yes.

13 BY MS. CRUZ MELENDEZ:

14 Q I'm showing the witness what is marked for identification  
15 as Government's Exhibit 493. Can you review Government's  
16 Exhibit 493 and tell me if you recognize it?

17 A I do.

18 Q What is it?

19 A It's an iPhone that I imaged for this case.

20 MS. CRUZ MELENDEZ: The Government moves to admit  
21 Government's Exhibit 493.

22 MR. CANNICK: May I see it?

23 MS. CRUZ MELENDEZ: Your Honor, while they are  
24 reviewing this, I can have the witness look at two other  
25 pieces of evidence.

Wilson - Direct - Cruz

2480

1 THE COURT: Sure.

2 MS. CRUZ MELENDEZ: I'm showing the witness  
3 Government's Exhibit 346, and 486.

4 Q If you can take a moment to review Government's Exhibit  
5 346 and 486.

6 A Okay.

7 Q With respect to Government's Exhibit 486, do you  
8 recognize it?

9 A I do.

10 Q What is it?

11 A It's a laptop that I forensically imaged for this case.

12 Q And with respect to Government's Exhibit 346, do you  
13 recognize it?

14 A I do.

15 Q What is it?

16 A An iPhone that I forensically imaged for this case.

17 THE COURT: I take it you're offering all of those?

18 MS. CRUZ MELENDEZ: I am, your Honor.

19 MR. CANNICK: We have no objection to 493.

20 THE COURT: Do you have that back, Ms. Cruz  
21 Melendez? Let's start with that. Remind me, what is that  
22 again?

23 MS. CRUZ MELENDEZ: Government's Exhibit 493. May I  
24 publish, your Honor?

25 THE COURT: Yes.

Wilson - Direct - Cruz

2481

1 (Government Exhibit 493, was received in evidence.)

2 BY MS. CRUZ MELENDEZ:

3 Q Government's Exhibit 493, is that and Apple iPhone?

4 A Yes, it is.

5 Q Did you conduct a forensic examination of Government's  
6 Exhibit 493?

7 A I did.

8 Q I'm now showing the witness only Government's Exhibit  
9 481. Agent Wilson, when you conducted the forensic analysis  
10 of Government's Exhibit 493, did you create a forensic  
11 analysis report?

12 A I did.

13 Q Is 481 a partial analysis report with respect to text  
14 messages in Government's Exhibit 493?

15 A Yes.

16 MS. CRUZ MELENDEZ: Move to admit, your Honor.

17 THE COURT: Any objection?

18 MS. CRUZ MELENDEZ: I believe this is actually in  
19 evidence I'm being told.

20 THE COURT: Okay.

21 MR. CANNICK: We consented to that already.

22 THE COURT: It's in evidence.

23 MS. CRUZ MELENDEZ: May we publish, your Honor?

24 THE COURT: Yes.

25 BY MS. CRUZ MELENDEZ:



Wilson - Direct - Cruz

2482

1 Q Is this an excerpt from the report that you generated?

2 A It is.

3 Q As you testified a moment ago, there are text messages  
4 included in Government's Exhibit 481, correct?

5 A Yes.

6 Q Does that include text messages for the phone numbers  
7 (747)220-9363?

8 A Yes.

9 Q As well as (312)972-7283?

10 A Yes.

11 Q Directing your attention for a moment to this third  
12 bubble here. I'm going to read what is listed in this third  
13 bubble, if you could let me know when I'm done if I've read  
14 that correctly.

15 A Okay.

16 Q "I'm not going to lie, I was happy to know that as well.  
17 I was really, I really was there. But I also was kind of  
18 thrown back the way you reacted to my reaction. I don't care  
19 what is going on in our life. I need to be trusted by you  
20 1 billion percent that when I say something you don't even  
21 hesitate. You do it. You go with it. When you do that, I  
22 don't know just who you are to me. I know you are young, but  
23 that is no excuse to disobey me or not do what I tell you to  
24 do. You have some issues in the area of not doing what I tell  
25 you all when you get in trouble, you shut down and be hard

Wilson - Direct - Cruz

2483

1 headed. You cut me off when I'm talking now, you didn't use  
2 to do that. So I'm telling you what you put into something is  
3 exactly what you're going to get out of it. Believe me, God  
4 knows I want the same things you want. But God also knows my  
5 heart that it's never going to happened until you grow up and  
6 start to show me you're going to do what you're supposed to  
7 do. Because I go through too much to have to deal with you  
8 not give me the information that I told you over and over to  
9 give me. When you know you're young and there say lot of  
10 things you don't know, so when you argue back at me it shows  
11 me that you will rebel on me and it shows me that you're not  
12 humble as you used to, as you're young. Therefore, you have  
13 no say yet. Except that owned it and be glad that you have  
14 someone to make the decisions. And be thankful that he wants  
15 all those things with you. So make sure your motive is right  
16 before doing something like that. Make sure you want to do it  
17 because you're old enough, wise enough, and strong enough, not  
18 just because you want to be bonded with me. Because I want to  
19 groom you and be bonded with you one million percent before  
20 that. There's absolutely nothing wrong with it. If you know  
21 you're going to do what you're supposed to do and get it  
22 together, you should have no problem being patient and  
23 waiting. That's all I'm going to say for you now."

24 Then the text goes on for a moment; is that correct?

25 A Yes.

Wilson - Direct - Cruz

2484

1 Q The text message that I just read to you, is that dated  
2 12/24/2017?

3 A Yes.

4 MS. CRUZ MELENDEZ: Your Honor, I'm not sure if  
5 defense counsel had stated anything with respect to  
6 Government's Exhibit 346 and 486. The Government moves to  
7 admit those into evidence.

8 MR. CANNICK: No objection.

9 THE COURT: Those are in evidence.

10 (Government Exhibit 346 & 486, was received in  
11 evidence.)

12 MS. CRUZ MELENDEZ: May I publish, your Honor?

13 THE COURT: Yes.

14 MS. CRUZ MELENDEZ: I'm publishing Government's  
15 Exhibit 346.

16 BY MS. CRUZ MELENDEZ:

17 Q Agent Wilson, did you perform a forensic analysis of  
18 Government's Exhibit 346?

19 A Yes.

20 Q Now showing just the witness Government's Exhibit 325 and  
21 325A. Do you recognize Government's Exhibit 325A and 325 as  
22 an excerpt of the forensic analysis report that you created  
23 with respect to your forensic analysis of Government's Exhibit  
24 346?

25 A I do.

Wilson - Direct - Cruz

2485

1 MS. CRUZ MELENDEZ: Your Honor, the Government moves  
2 to admit 325 and 325A.

3 MR. CANNICK: No objection.

4 THE COURT: Those are in evidence.

5 (Government Exhibit 325 & 325A, was received in  
6 evidence.)

7 BY MS. CRUZ MELENDEZ:

8 Q With respect to Government's Exhibit 325 -- if I could  
9 publish your Honor -- here on the top it says "note," correct?

10 A Yes.

11 Q As part of your excerpt of the forensic analysis report,  
12 here on 325A under the type it reads "note," correct?

13 A Yes.

14 Q Towards the left, bottom portion, underneath time, it  
15 states created and the date, there is 8/30/2018, correct?

16 A Yes.

17 Q Then turning your attention again to Government's Exhibit  
18 325. Again, it says creation time 8/30/2018, correct?

19 A Yes.

20 Q You testified earlier that Government's Exhibit 325 and  
21 325A were as a result of your forensic analysis of an iPhone,  
22 correct?

23 A Yes.

24 Q Fair to say this is from the notes portion of an iPhone?

25 A Correct.

Wilson - Direct - Cruz

2486

1 MS. CRUZ MELENDEZ: Permission to publish, your  
2 Honor, Government's Exhibit 486?

3 THE COURT: Go ahead.

4 MS. CRUZ MELENDEZ: May I approach, your Honor?

5 THE COURT: Yes. I've handed the witness several  
6 marked exhibits for identification starting with Government's  
7 Exhibit 475, 475A, 476, 476A, 477, 477A, 478, 478A, 479, 479A,  
8 480, 480A, 487, 487A, 488, 488A, 489, 489A, 490, 490A, 491,  
9 491A, 492, and 492A.

10 Q Prior to your testimony here today did you have an  
11 opportunity to review those marked exhibits?

12 A I did.

13 Q Can you take a moment and look through them and tell me  
14 if you recognize them?

15 (Witness reviewing document.)

16 A Okay.

17 Q Generally speaking, are the exhibits that I just listed  
18 and handed to you forensic analysis reports and accompanying  
19 images based on your forensic analysis of Government's Exhibit  
20 486?

21 A Yes.

22 MS. CRUZ MELENDEZ: Your Honor, the Government moves  
23 to admit the list of marked exhibits which I've just provided.

24 THE COURT: Any objection?

25 MR. CANNICK: Can I see them?

Wilson - Direct - Cruz

2487

1 MS. CRUZ MELENDEZ: While defense counsel is  
2 reviewing those, is it fair to say the marked exhibits which I  
3 listed out are partial results of the forensic analysis that  
4 you conducted on Government's Exhibit 486?

5 A Yes.

6 MR. CANNICK: No objection.

7 THE COURT: Okay. Those are in evidence and you can  
8 publish them.

9 (Government Exhibit 475, 475A, 476, 476A, 477, 477A,  
10 478, 478A, 479, 479A, 480, 480A, 487, 487A, 488, 488A, 489,  
11 489A, 490, 490A, 491, 491A, 492, and 492, was received in  
12 evidence.)

13 BY MS. CRUZ MELENDEZ:

14 Q Starting with Government's Exhibit 476. This is a  
15 partial -- an excerpt of the forensic analysis report that you  
16 created, correct?

17 A Yes.

18 Q Directing your attention to page four -- your Honor, can  
19 we have this for the jury only actually?

20 THE COURT: Yes.

21 Q Do you see here where it says -- I don't think the  
22 juror's screens are on.

23 THE COURTROOM DEPUTY: Sorry.

24 Q Do you see underneath file name where it says created  
25 date/time 12/12/2015. Do you see that there?

Wilson - Direct - Cruz

2488

1 A Yes.

2 Q Lower down where it says lens model iPhone 6 Plus back  
3 camera?

4 A Yes.

5 Q You see that there?

6 A Yes.

7 Q Before continuing speaking with this, are you familiar  
8 with the manners in which an iPhone can back up information  
9 that's on the iPhone itself?

10 A I am.

11 Q What methods can one use to back up an iPhone?

12 A You could back it up to the iCloud or to a specific --

13 MR. CANNICK: I'm going to object.

14 THE COURT: He's just testifying generally about how  
15 to back things up.

16 I think it is in evidence, isn't it?

17 MS. CRUZ MELENDEZ: This document, yes.

18 MR. CANNICK: It's in evidence, but he's not  
19 qualified.

20 THE COURT: Overruled.

21 Q What are the methods in which one might back up  
22 information that is on an iPhone?

23 A You could back it up to the cloud or to a specific device  
24 like a computer or laptop.

25 Q Based on your review of Government's Exhibit 476, here we

Wilson - Direct - Cruz

2489

1 see the created date/time of 12/12/2015, and also lens model  
2 iPhone 6 Plus back camera. Is that consistent with the image  
3 which is listed Government's Exhibit 476 having been taken by  
4 iPhone and then backed up to Government's Exhibit 486?

5 A Yes.

6 Q Turning our attention to Government's Exhibit 476A. Is  
7 this the image that is reflected in the partial forensic  
8 analysis report?

9 A Yes.

10 Q Directing your attention to Government's Exhibit 475.  
11 Similar question here, below the image that we see in  
12 Government's Exhibit 475, do you see the created date/time of  
13 12/12/2015?

14 A Yes.

15 Q In the portion here where it says lens model iPhone 6  
16 Plus back camera, based on your review, is this consistent  
17 with this image being taken by an iPhone then being backed up  
18 to Government's Exhibit 486?

19 A It is.

20 Q Government's Exhibit 475A, is it correct that is the  
21 image associated with this forensic analysis report in 475?

22 A Yes.

23 Q Just to be clear and I'll use Government's Exhibit 476  
24 for that purpose -- excuse me 475 -- for that purpose, as  
25 you've testified that both 475 and 476, the dates and the



Wilson - Direct - Cruz

2490

1 information in the forensic report you testified that it is  
2 consistent with the image being taken by an iPhone then  
3 subsequently being backed up on Government's Exhibit 486. Is  
4 it also fair to say that the created date, the 12/12/2015,  
5 that we've looked at both Government's Exhibit 475 and 476,  
6 that's the date that it was backed up on Government's Exhibit  
7 486?

8 A Yes.

9 Q Turning our attention to Government's Exhibit 477,  
10 turning to page four.

11 Your Honor, this can be published publicly.

12 THE COURT: Okay.

13 Q Again, you testified that this is an excerpt of the  
14 forensic analysis report, correct?

15 A Yes.

16 Q Below the image that we see here there is another created  
17 date 12/12/2015, do you see that there?

18 A Yes.

19 Q Below here where I'm pointing, you see information about  
20 make model, make being Apple, model being iPhone 6 Plus. Do  
21 you see that there?

22 A Yes.

23 Q Just above where it says 841 Apple, do you see a date,  
24 created date/time/local October 19, 2015. Do you see that  
25 there?

Wilson - Direct - Cruz

2491

1 A Yes.

2 Q Based on your review of these documents and the reports,  
3 is this consistent with the image in Government's Exhibit 477  
4 and 477A having been taken by an iPhone on October 19, 2015,  
5 and then backed up to Government's Exhibit 486 on 12/12/2015?

6 A It is.

7 Q I'd also like to direct your attention to the reference  
8 to GPS latitude and GPS longitude. Do you see that there?

9 A I do.

10 Q What does that mean?

11 A That's the physical location that the iPhone was located  
12 when it took the photo in question.

13 Q Now directing our attention to Government's Exhibit 478,  
14 is that another excerpt of your analysis of Government's  
15 Exhibit 486?

16 A Yes.

17 Q Directing our attention to page four, again, we see here  
18 below the image created date/time as 12/12/2015. Do you see  
19 that?

20 A Yes.

21 Q Below that there is another created date/time/local  
22 October 19, 2015. Do you see that there?

23 A Yes.

24 Q Below that we see make Apple model iPhone 6 Plus. Do you  
25 see that there?

Wilson - Direct - Cruz

2492

1 A Yes.

2 Q There are again GPS coordinates; is that correct?

3 A Yes.

4 Q Based on your review, is this also consistent with the

5 iPhone Plus taking the photograph depicted in Government's

6 Exhibit 478 on October 19, 2015, and then subsequently being

7 backed up on Government's Exhibit 486 on 12/12/2015?

8 A It is.

9 (Continued on next page.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*C. Wilson - Direct - Cruz Melendez*

2493

1 DIRECT EXAMINATION

2 BY MS. CRUZ MELENDEZ: (Continuing.)

3 Q And is Government's Exhibit 478A, the same image that's  
4 indicated in Government's Exhibit 478?

5 A Yes.

6 Q Directing our attention now to Government's Exhibit 479.

7 Is that another excerpt of the report you created  
8 with respect to your analysis of Government's Exhibit 486?

9 A It is.

10 Q And at the top, we see an image here; correct?

11 A Yes.

12 Q And below the image, is there a created date time of  
13 12/12/2015?

14 A Yes.

15 THE COURT: Is it fair to say for all of these  
16 photographs that when you are looking at those times, is your  
17 testimony the same for all of this in terms of when they were  
18 created and when they were -- is it backed up or loaded?

19 MS. CRUZ MELENDEZ: Backed up.

20 THE WITNESS: Yes.

21 THE COURT: Is it the same method that would apply?

22 THE WITNESS: Yes.

23 THE COURT: Okay.

24 I'm sorry, go ahead.

25 MS. CRUZ MELENDEZ: I promise I will start to move

*C. Wilson - Direct - Cruz Melendez*

2494

1 through these.

2 THE COURT: I was just clarifying for myself.

3 BY MS. CRUZ MELENDEZ:

4 Q And, again, for Government's Exhibit 479, we have a  
5 created date of 12/12/2015.

6 Based on your review, is it fair to say that that's  
7 the backup date?

8 A Yes, it is.

9 Q With respect to the middle here where I'm pointing,  
10 modify -- excuse me -- created date/time-local, October 19,  
11 2015, that's the date that the iPhone 6 took the photograph;  
12 is that correct?

13 A Yes, the iPhone 6 Plus.

14 Q Excuse me, iPhone 6 Plus.

15 MS. CRUZ MELENDEZ: Now, Your Honor, if we can just  
16 do jury only.

17 THE COURT: Sure.

18 BY MS. CRUZ MELENDEZ:

19 Q Turning your attention to Government's Exhibit 487, is  
20 this, again, an excerpt of the forensic analysis report that  
21 you created with respect to Government's Exhibit 486?

22 A It is.

23 Q And below the file name, is there a created date, slash,  
24 time of 12/12/2015?

25 A Yes.

*C. Wilson - Direct - Cruz Melendez*

2495

1 Q And further down, do we see a created date/time-local,  
2 October 3rd, 2015?

3 A Yes.

4 Q And a little below that, do you see the make of Apple in  
5 the model of iPhone 6 Plus? Do you see that there?

6 A Yes.

7 Q And GPS coordinates are there as well; correct?

8 A Correct.

9 Q And, again, as you previously testified, is it fair to  
10 say that the GPS coordinates are the location where the  
11 photograph was taken?

12 A Correct.

13 Q And is it also fair to say, as you've pointed out, that  
14 the image taken by the iPhone 6 Plus was taken on October 3rd,  
15 2015, and then subsequently backed up to Government's Exhibit  
16 486?

17 A Yes.

18 MS. CRUZ MELENDEZ: One moment, Your Honor.

19 THE COURT: Okay.

20 (Pause.)

21 BY MS. CRUZ MELENDEZ:

22 Q Government's Exhibits 487A, is that just the same image  
23 that's included in Government's Exhibit 487, the excerpt of  
24 the forensic examination report?

25 A It is.

*C. Wilson - Direct - Cruz Melendez*

2496

1 Q And just to be clear, these are redaction boxes here;  
2 correct?

3 A Yes.

4 THE COURT: That means part of the image is taken  
5 out; is that it?

6 THE WITNESS: Correct.

7 THE COURT: Okay.

8 BY MS. CRUZ MELENDEZ:

9 Q Now, directing your attention to Government's  
10 Exhibit 488, and, again, that's a forensic -- that's an  
11 excerpt of the forensic analysis report you created with  
12 respect to Government's Exhibit 486?

13 A Yes.

14 Q There's an image at the top, and underneath that image,  
15 do you see the created date and time of 12/12/2015?

16 A Yes.

17 Q Then a little below that, do you also see the created  
18 date and time-local, of October 3rd, 2015, there?

19 A Yes.

20 Q And are there also GPS coordinates here --

21 A Yes.

22 Q -- listed.

23 Is it fair to say, as you've testified previously,  
24 that based on your review, the image was taken by an iPhone 6  
25 Plus on October 3rd, 2015, and then subsequently backed up to

*C. Wilsor - Direct - Cruz Melendez*

2497

1 Government's Exhibit 486 on 12/12/2015?

2 A Correct.

3 Q Now, turning your attention to Government's Exhibit 488A,  
4 is that the same image that's included in your forensic  
5 examination report?

6 A Yes.

7 Q And, again, is this a redaction box covering a portion of  
8 that photograph?

9 A Yes.

10 Q Turning your attention now to Government's Exhibit 489.

11 Again, is that an excerpt of your forensic  
12 examination report with respect to Government's Exhibit 486?

13 A Yes.

14 Q Turning our attention to Government's Exhibit -- excuse  
15 me -- page 4 of the exhibit, again, do we see here a created  
16 date below the file name of 12/12/2015?

17 A Yes.

18 Q And then an additional created date, slash, time of  
19 October 3rd, 2015.

20 Do you see that there?

21 A Yes.

22 Q And do you also see the make as an Apple model as an  
23 iPhone 6 Plus?

24 A Yes.

25 Q And there are also coordinates listed; correct?



*C. Wilson - Direct - Cruz Melendez*

2498

1 A Correct.

2 Q And, again, is this consistent with the iPhone 6 Plus  
3 taking this image on October 3rd, 2015, and subsequently  
4 backing up the photograph on 12/12/2015 to Government's  
5 Exhibit 486?

6 A Yes.

7 Q Government's Exhibit 489A, is that just the same  
8 photograph that's listed in Government's Exhibit 489?

9 A Yes.

10 Q And also is there a redaction box in the middle of the  
11 photograph?

12 A Yes.

13 Q Directing your attention to Government's Exhibit 690,  
14 again, is that -- is this an excerpt of your forensic  
15 examination report with respect to Government's Exhibit 486?

16 A Yes.

17 Q Turning to page 4, there's an image at the top in the  
18 file name, and under "file name," do you see the created date  
19 of 12/12/2015?

20 A Yes.

21 Q And in the middle of where my finger is pointing here  
22 now, do you see created date, slash, time-local, October 3rd,  
23 2015? Do you see that date?

24 A Yes.

25 Q Do you also see where it says make, Apple, model, iPhone

*C. Wilsor, - Direct - Cruz Melendez*

2499

1 6 Plus? Do you see that there?

2 A Yes.

3 Q Are there also coordinates listed?

4 A There are.

5 Q And is this consistent with the image that's listed in  
6 the exhibit being taken on October 3rd, 2015, and then  
7 subsequently being backed up to Government's Exhibit 46 on  
8 December 12th, 2015?

9 A Yes.

10 Q 490A, is that the same photograph included in 490?

11 A Yes.

12 Q And are there redaction boxes covering portions of the  
13 individual in 490A?

14 A Yes.

15 THE COURT: Did you place those redaction boxes on  
16 it?

17 THE WITNESS: I did not.

18 THE COURT: Okay.

19 BY MS. CRUZ MELENDEZ:

20 Q Is it fair to say that the images -- when you imaged  
21 Government's Exhibit 486 and you did your analysis of the  
22 redaction boxes, you didn't place those there; correct?

23 A Correct.

24 Q Government's Exhibit 491, again, is this an excerpt of  
25 your forensic examination report of Government's Exhibit 486?

*C. Wilsor - Direct - Cruz Melendez*

2500

1 A Yes.

2 Q Turning our attention to Government's Exhibit -- excuse  
3 me -- to page 4 of the exhibit, there's an image there.

4 Do you see that?

5 A Yes.

6 Q And underneath the image, do you see created date, slash,  
7 time of December 12th, 2015?

8 A Yes.

9 Q Do you also see created date, slash, time-local of  
10 October 4th, 2015? Do you see that there?

11 A Yes.

12 Q Do you also see where it says: make, Apple; model,  
13 iPhone 6?

14 A Yes.

15 Q And are there also coordinates listed?

16 A Yes.

17 Q Government's Exhibit 491A, is that the same image that's  
18 listed in Government's Exhibit 491?

19 A Yes.

20 Q And, again, there was a redaction box that was  
21 subsequently placed that you didn't place there; correct?

22 A Correct.

23 Q Turning our attention to Government's Exhibit 492, is  
24 this also an excerpt of your forensic examination report of  
25 Government's Exhibit 486?

*C. Wilson - Direct - Cruz Melendez*

2501

1 A Yes.

2 Q Turning to page 4, is there an image there?

3 A Yes.

4 Q And under the image "file name," do he see the created  
5 date of 12/12/2015?

6 A Yes.

7 Q Further down, do we see the created date, slash, time,  
8 dash, local of October 6, 2015?

9 A Yes.

10 Q And is the make an Apple model iPhone 6 Plus listed here  
11 as well?

12 A Yes.

13 Q They're also coordinates; correct?

14 A Correct.

15 Q And, again, is this consistent with the iPhone 6 Plus  
16 taking the photograph included on October 6th, 2015, and then  
17 subsequently being backed up to Government's Exhibit 486?

18 A Yes.

19 THE COURT: Can I see the parties at the side for  
20 just one second? We don't need the court reporter.

21 (Sidebar conference held off the record out of the  
22 hearing of the jury.)

23 MS. CRUZ MELENDEZ: Your Honor, for the sake of  
24 clarity, counsel has conferred, and defense counsel stipulates  
25 that the redaction boxes that appear on the images from the

*C. Wilson - Direct - Cruz Melendez*

2502

1 forensic analysis -- the images that I've been going through  
2 with respect to Government's Exhibit 486 were not on the  
3 images at the time that the device was analyzed by Agent  
4 Wilson.

5 THE COURT: Okay.

6 MS. CRUZ MELENDEZ: And that they were placed by the  
7 Government for purposes of in-court review.

8 THE COURT: I think I told you, jurors, when you  
9 were selected that stipulations are just agreements between  
10 the parties that they agree on certain evidence, and that's  
11 what this is.

12 Go ahead.

13 BY MS. CRUZ MELENDEZ:

14 Q And then finally with respect to Government's  
15 Exhibit 492A, is that the same image that was in 492?

16 A Yes.

17 Q And, again, there were redaction boxes that were not  
18 present at the time that you imaged Government's Exhibit 486?

19 A Correct.

20 MS. CRUZ MELENDEZ: If I could just show the  
21 witness, Your Honor, Government's Exhibit 961.

22 BY MS. CRUZ MELENDEZ:

23 Q Agent Wilson, do you recognize Government's Exhibit 961?

24 A Yes.

25 Q And what is it?

*C. Wilson - Direct - Cruz Melendez*

2503

1 A It's a summary of the items of evidence that we just  
2 reviewed with creation date, the longitude and latitude  
3 coordinates.

4 Q And prior to your testimony here today, based on the  
5 latitude and longitude coordinates that were present in the  
6 excerpted forensic analysis reports, were you able to  
7 determine the corresponding location?

8 A Yes.

9 MS. CRUZ MELENDEZ: Your Honor, the Government moves  
10 to admit Government's Exhibit 961 into evidence.

11 MR. CANNICK: No objection.

12 THE COURT: Okay. That's in evidence.

13 (Government's Exhibit 961 received in evidence.)

14 MS. CRUZ MELENDEZ: If we could publish, Your Honor.

15 (The above-referred to exhibit was published.)

16 THE COURT: In other words, when you were pointing  
17 out all those coordinates, these are just the corresponding  
18 cities on those exhibits; is that right?

19 THE WITNESS: The corresponding addresses.

20 THE COURT: Addresses, right.

21 THE WITNESS: Yes.

22 THE COURT: Okay, thanks.

23 BY MS. CRUZ MELENDEZ:

24 Q First, looking at this first column here, the  
25 Government's Exhibit 487A, there's was a creation date of

*C. Wilson - Direct - Cruz Melendez*

2504

1 October 3, 2015; correct?

2 A Yes.

3 Q And, for example, with respect to this, that was based on  
4 the creation date listed on Government's Exhibit 487, your  
5 analysis report; is that correct?

6 A Yes.

7 Q The coordinates -- latitude and longitude -- were also  
8 based on the coordinates of where the iPhone 6 Plus took the  
9 photograph that's listed in Government's Exhibit 487A;  
10 correct?

11 A Correct.

12 Q And then there's a corresponding location; correct?

13 A Yes.

14 Q Is the same process true for all of the exhibits listed  
15 in this first column here?

16 A Yes.

17 Q So going through with respect to Government's Exhibit --

18 THE COURT: I don't know if we have to go through  
19 all of them.

20 MS. CRUZ MELENDEZ: I won't.

21 THE COURT: I think it's probably not necessary.

22 MS. CRUZ MELENDEZ: I won't.

23 BY MS. CRUZ MELENDEZ:

24 Q With respect to Government's Exhibit 487A, the  
25 corresponding location for the coordinates of latitude and

*C. Wilsor - Direct - Cruz Melendez*

2505

1 longitude here are Oakland Convention Center, 550 10th Street,  
2 Oakland, California, 94607; correct?

3 A Yes.

4 Q And going down the chart, each one of these locations  
5 corresponds to the latitude and longitude coordinates that  
6 were in the excerpted analysis report that we went through;  
7 correct?

8 A Yes.

9 MR. CANNICK: Can I just get the exhibit number  
10 again?

11 MS. CRUZ MELENDEZ: 961.

12 MR. CANNICK: 961.

13 Thank you.

14 BY MS. CRUZ MELENDEZ:

15 Q Now, you testified previously with respect to photographs  
16 and images that were taken by an iPhone 6 Plus. Generally  
17 speaking, based on your experience, when text or photographs  
18 are taken on an iPhone, is it the local time where the iPhone  
19 is? For example, were the coordinates -- latitude and  
20 longitude -- the local time and date that is used -- that  
21 appears on the text or the photograph that is defaulted with  
22 respect to an iPhone?

23 So that was a very unclear question. I'm going to  
24 back up, and I'm going to ask that question again.

25 THE COURT: What do you have to say about how the



*C. Wilson - Cross - Cannick*

2506

1 dates appear on the phone in any of these -- that's not a very  
2 good question either, but I would rather have you tell it than  
3 me ask all the details.

4 THE WITNESS: It usually defaults to the time zone  
5 that the phone is physically in by default unless it's  
6 changed.

7 THE COURT: I see.

8 MS. CRUZ MELENDEZ: Nothing further.

9 THE COURT: Okay. Any cross-examination?

10 MR. CANNICK: Very briefly.

11 THE COURT: Okay.

12 CROSS-EXAMINATION

13 BY MR. CANNICK:

14 Q Sir, I think you testified and told us this was a partial  
15 forensic --

16 THE COURT: Turn on your microphone.

17 BY MR. CANNICK:

18 Q I think you testified and told us that this was a partial  
19 forensic analysis?

20 A Yes.

21 Q What's a partial forensic analysis?

22 A So we image the device and then there's an electronic  
23 version of the analysis of that device using different  
24 analysis software. That digital report that we provide the  
25 case agent with is everything that was on that phone; so it

*C. Wilson - Redirect - Cruz Melendez*

2507

1 will have text messages, it will have photos, it will have  
2 call logs, it will have notes, any kind of encrypted chats  
3 like WeChat -- WeChat or WhatsApp, Facebook messaging. So all  
4 that is presented to the agent in a digital report, and then  
5 they could go through it and just look at specific sections of  
6 it.

7 Q So they could go through it and cherry-pick the ones that  
8 they want.

9 MS. GEDDES: Objection.

10 THE COURT: Sustained.

11 BY MR. CANNICK:

12 Q They could go through it and pick out the ones that they  
13 want?

14 A To print, yes.

15 MR. CANNICK: Thank you.

16 MS. CRUZ MELENDEZ: Just brief clarification.

17 REDIRECT EXAMINATION

18 BY MS. CRUZ MELENDEZ:

19 Q Agent Wilson, when you analyze the exhibits that we have  
20 just gone through, you created a report of all the information  
21 that was on each one of those devices; correct?

22 A Correct, yes.

23 Q And you provided that full report to the agents; correct?

24 A I did, yes.

25 Q When we went through the partial results or the excerpted

*C. Wilson - Redirect - Cruz Melendez*

2508

1 reports, those were portions of the full analysis report that  
2 you created; correct?

3 A Correct.

4 MS. CRUZ MELENDEZ: Nothing further.

5 THE COURT: Okay.

6 Anything else, Mr. Cannick?

7 MR. CANNICK: Nothing.

8 THE COURT: Just hold on for one second.

9 (Pause.)

10 THE COURT: I'm just trying to coordinate with when  
11 your lunch gets here so we can make the best use of our time.

12 Do you have another witness available?

13 MS. GEDDES: We do, although it might be more  
14 productive if we broke for lunch.

15 THE COURT: Let's try to squeeze all we can out of  
16 the time that we have. Why don't you call your next witness.

17 MS. GEDDES: Okay.

18 THE COURT: Let me excuse you.

19 This witness is excused.

20 THE WITNESS: Thank you.

21 (Witness steps down.)

22 MS. GEDDES: The Government calls Mike Wilson.

23 THE COURT: Mike Wilson?

24 MS. GEDDES: Yes.

25 THE COURT: Okay.

*Proceedings*

2509

1 (Witness takes the stand.)

2 THE COURTROOM DEPUTY: Mr. Wilson, please raise your  
3 right hand.

4 (Witness sworn.)

5 THE COURTROOM DEPUTY: Please state your name for  
6 the record.

7 THE WITNESS: Michael Wilson.

8 THE COURT: Okay. Just a couple of things before we  
9 start.

10 Please don't speak too quickly or speak over the  
11 person that's asking you questions. The court reporter takes  
12 down everything that you say, and if you speak too quickly or  
13 you talk over somebody, she can't get what you're saying, and  
14 then the jury can't hear you.

15 If there's a question that you want to have  
16 clarified or repeated, tell me that, and I will direct the  
17 lawyers to rephrase, and just do your best to answer only the  
18 question that you are being asked, okay?

19 THE WITNESS: Yes.

20 THE COURT: Okay. Speak into the microphone.

21 Hold on for one second.

22 (Pause.)

23 THE COURT: Okay. Go ahead.

24 (Continued on next page.)

25

*M. Wilson - Direct - Geddes*

2510

1 **MIKE WILSON,**

2           called as a witness, having been first duly  
3           sworn/affirmed, was examined and testified as  
4           follows:

5 **DIRECT EXAMINATION**

6 **BY MS. GEDDES:**

7 **Q**     How are you employed?

8 **A**     I'm a special agent with Homeland Security  
9     Investigations.

10 **Q**     What is your title?

11 **A**     Special agent.

12 **Q**     And are you assigned to a particular unit within the  
13     Department of Homeland Security?

14 **A**     Yes. I'm also certified as a computer forensics agent.

15 **Q**     How long have you been certified as a computer forensics  
16     agent?

17 **A**     Full-time for 18 months, and then the last two years as a  
18     collateral duty.

19 **Q**     And do you have a relative who is also a computer  
20     forensic agent at the Department of Homeland Security?

21 **A**     Yes, I do.

22 **Q**     Chris Wilson?

23 **A**     Yes.

24 **Q**     How are you related?

25 **A**     Yes, he's my cousin.

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*

*M. Wilson - Direct - Geddes*

2511

1 Q What are your duties and responsibilities as a computer  
2 forensic agent at the Department of Homeland Security?

3 A To assist case agents with the proper seizure, proper  
4 evidence collection, and then the extraction and analysis of  
5 digital evidence.

6 Q I want to direct your attention to July 11th of 2019.  
7 Did you participate in the execution of a search  
8 warrant on that date?

9 A Yes, I did.

10 Q And was that in Chicago, Illinois?

11 A Yes.

12 MS. GEDDES: I'm showing the witness what's been  
13 marked for identification as Government's Exhibit 345.

14 I'm going to show counsel first.

15 THE COURT: All right.

16 (Pause.)

17 BY MS. GEDDES:

18 Q Do you recognize that?

19 A Yes.

20 Q What is it?

21 A This phone was seized from the defendant's hands during  
22 the execution of the arrest warrant.

23 Q And was the individual from whom it was seized Robert  
24 Kelly?

25 A Yes.

*M. Wilson - Direct - Geddes*

2512

1 Q Do you see him in the courtroom today?

2 A Yes.

3 Q Can you point to him and describe an article of his  
4 clothing?

5 A Sitting at the far table wearing a blue jacket with a  
6 blue tie.

7 THE COURT: Indicating the defendant.

8 BY MS. GEDDES:

9 Q And after you received the -- I'm sorry, let me publish,  
10 it, please.

11 (The above-referred to exhibit was published.)

12 BY MS. GEDDES:

13 Q You may have already testified to this, but what is that,  
14 by the way?

15 A This is an iPhone -- Apple iPhone.

16 Q And after the Apple iPhone was seized from the defendant  
17 on July 11th, 2019, what, if anything, did you do with it?

18 A At that time, it was processed to attempt to crack the  
19 password.

20 Q All right. And were you ultimately present when the  
21 password was cracked?

22 A No, I was not.

23 MS. GEDDES: May I approach?

24 THE COURT: Yes.

25 MS. GEDDES: I'm showing the witness what's been

*M. Wilson - Direct - Geddes*

2513

1 marked for identification as Government's Exhibit 347.

2 I'm going to show counsel, too.

3 (Pause.)

4 BY MS. GEDDES:

5 Q Do you recognize Government's Exhibit 347?

6 A Yes.

7 Q And did you conduct a forensic examination of  
8 Government's Exhibit 347?

9 A Yes, I did.

10 MS. GEDDES: The Government offers Government's  
11 Exhibit 347.

12 MR. CANNICK: No objection.

13 THE COURT: All right. That's in evidence.

14 (Government's Exhibit 347 received in evidence.)

15 MS. GEDDES: And just briefly I'll hold it up.

16 BY MS. GEDDES:

17 Q What is Government's Exhibit 347?

18 A It is an Apple iPad.

19 THE COURT: Where did you get that?

20 Were you just about to ask that?

21 BY MS. GEDDES:

22 Q Were you present when that was seized?

23 A Yes, I was.

24 Q Where was that seized from?

25 A That was in the residence of the defendant.



*M. Wilson - Direct - Geddes*

2514

1 Q And was that residence located in Chicago, Illinois?

2 A Yes, it was.

3 Q At 401 North Wabash Avenue in Apartment 48F, as in  
4 "Frank"?

5 A Yes.

6 Q And is that building located at 401 North Wabash, is that  
7 also known as the Trump Towers?

8 A Yes, it is.

9 Q I'm showing?

10 MS. GEDDES: I'm showing the witness what's been  
11 marked for identification as 326, as well as 326A through J,  
12 327, 328, 329, 336, 330 -- sorry, I'm out of order -- and 341  
13 through 343.

14 MR. CANNICK: Excuse me. Just let me get the  
15 exhibit numbers again.

16 MS. GEDDES: Sure.

17 326, as well as 326A through H; 327, -28, -29, and  
18 -30; 336 and 336A -- I might have just added 336 -- and then  
19 341 through 343.

20 BY MS. GEDDES:

21 Q Now, prior to your testimony today, did you have a chance  
22 to look at these exhibits?

23 A Yes, I did.

24 MR. CANNICK: Your Honor, I'm going to ask for a  
25 sidebar.

*M. Wilson - Direct - Geddes*

2515

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: Sure.

(Sidebar.)

(Continued on next page.)

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*

*Sidebar*

2516

1 (Sidebar conference held on the record out of the  
2 hearing of the jury.)

3 THE COURT: You know, their lunch is here right now,  
4 so maybe we'll break now and then you can tell me what the  
5 issue is.

6 MR. SCHOLAR: Sure.

7 THE COURT: Let me excuse them and we'll do it open  
8 court.

9 (Sidebar ends.)

10 (Continued on next page.)  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*Proceedings*

2517

1 (In open court.)

2 THE COURT: I'm told your lunches are here, so I  
3 think this is a good time to break.

4 Please don't discuss the case at all, and enjoy your  
5 lunch. We'll see you, let's say, 2:30. Have a good lunch.

6 THE COURTROOM DEPUTY: All rise.

7 (Jury exits.)

8 THE COURT: Okay. Everybody can sit down, and you  
9 can take the witness out.

10 We'll see you after lunch.

11 (Witness steps down.)

12 THE COURT: Mr. Scholar, I'm just going to ask you  
13 to use the microphone so I can hear. I must confess, I don't  
14 know what the exhibits are we are about to see. Should I look  
15 at them?

16 MS. GEDDES: Do you want to do this as sidebar?

17 MR. SCHOLAR: Yes, we should do it at sidebar,  
18 please.

19 THE COURT: All right.

20 (Sealed Sidebar.)

21 (Continued on next page.)

22

23

24

25

*SEALED BY ORDER OF THE COURT*

2518

1 (Sealed sidebar conference held on the record out of  
2 the hearing of the jury.)

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2519

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2520

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2521

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*



*SEALED BY ORDER OF THE COURT*

2522

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2523

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2524

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2525

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*SEALED BY ORDER OF THE COURT*

2526

1

2

3

(Sealed sidebar ends.)

4

(Continued on following page.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*

1 (In open court.)

2 THE COURT: I think we will break for lunch now.

3 We'll be back at 2:30.

4 (A recess in the proceedings was taken.)

5 (Continued on next page.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Proceedings

2528

1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 (Parties present.)

4 THE CLERK: All rise.

5 THE COURT: Everybody can have a seat.

6 All right just before we bring the witness in, have  
7 the parties had a chance to think about what we discussed? I  
8 am prepared to rule on it.

9 MR. CANNICK: Your Honor, before you rule, might we  
10 be given an opportunity to brief it?

11 THE COURT: Well...

12 MR. CANNICK: I don't think anything is coming in  
13 today.

14 THE COURT: Nothing is coming in today.

15 I will tell you what I am thinking about, just so I  
16 do not surprise anyone.

17 MR. CANNICK: Sure.

18 THE COURT: I think the first video is clearly  
19 relevant to come through the witness Anna.

20 The second one, however, is cumulative. I think it  
21 is unfairly prejudicial and it is not related to anybody who  
22 is testifying, so I am excluding that.

23 Do you still need to brief it or do you want to  
24 snatch defeat from the jaws of victory?

25 MR. CANNICK: Let me find out from Mr. Scholar which

1 is the first and which is the second.

2 THE COURT: Okay. Yes, speak to him about that.

3 But the only caveat that is, as is the caveat with  
4 everything, is that there is some suggestion that -- I cannot  
5 imagine what it could be, but if there is some suggestion that  
6 it did not happen or some way that the door gets open, yes.

7 But I think the evidence as it relates to the  
8 victim -- the witness who is going to testify is clearly  
9 relevant, not only to what her own experience was, but what  
10 the experience was of one of the other witnesses, specifically  
11 Jane, who testified.

12 And, I mean, I think it is fair to say that for a  
13 lot of people, including me, it is very difficult to imagine  
14 that somebody -- that people would engage in this kind of  
15 conduct, and so the evidence of it is relevant. And so that  
16 is my ruling.

17 If you still want to brief it, you can.

18 MR. CANNICK: Thank you, Your Honor.

19 THE COURT: Okay. All right. I guess you could  
20 brief it, too, but...

21 MS. GEDDES: All right. I was planning to offer it  
22 now though. I am not going to publish it.

23 THE COURT: I mean, I do not think it should come  
24 into evidence, so I am --

25 MS. GEDDES: No, no, I'm sorry, I was going to offer



Proceedings

2530

1 the one involving Anna.

2 THE COURT: Yes. Yes, it can be offered into  
3 evidence; it is not going to be played right now.

4 MS. GEDDES: That's right.

5 THE COURT: There is no problem with that, is there?

6 MR. CANNICK: I'm just thinking about it,  
7 Your Honor.

8 THE COURT: Turn on your...

9 MR. CANNICK: Oh.

10 THE COURT: Because the witness is here now. So I  
11 don't think that there is any dispute that the evidence is on  
12 the defendant's computer.

13 MR. CANNICK: Yes, I understand, Your Honor. I  
14 understand perfectly.

15 THE COURT: All right. And so that part of it, it  
16 will -- the foundation has been established through -- or will  
17 be established through this witness.

18 MR. CANNICK: I was just a little confused because I  
19 didn't know who Anna was.

20 THE COURT: I see. Do you know now?

21 MR. CANNICK: I know now, yes.

22 THE COURT: Okay. I think we are all on the same  
23 page.

24 Shall we get the -- anything else before we get the  
25 witness?

Proceedings

2531

1 MS. BECKER: I'm sorry, Judge, can we also brief the  
2 issue -- the other issue with regards to the introduction of  
3 some of the videos that involved -- my understanding is this  
4 was talked about at sidebar as well or no?

5 THE COURT: That is what we were just talking about.

6 MS. GEDDES: No. I think --

7 MS. BECKER: Not those videos, Judge.

8 MS. GEDDES: There are additional videos that we --  
9 within that list that we seek to offer right now which were  
10 not raised before Your Honor at the last sidebar.

11 THE COURT: Well, are those similar to what -- they  
12 are not the same as --

13 MS. GEDDES: They're not the same.

14 THE COURT: Do they involve people who are  
15 testifying or conduct that is an issue?

16 MS. GEDDES: There is conduct that's an issue and,  
17 yes, people who are testifying at well.

18 THE COURT: Mr. Scholar?

19 MR. SCHOLAR: Yes, Judge.

20 THE COURT: Can you get a microphone?

21 MR. SCHOLAR: Yes.

22 THE COURT: Thanks so much.

23 You can sit down if it is easier.

24 MR. SCHOLAR: Sure, Judge. Thank you.

25 Judge, these are videos that the government wants to

Proceedings

2532

1 admit through this witness that may involve three people.

2 THE COURT: Right.

3 MR. SCHOLAR: And I --

4 THE COURT: And there has been testimony about that.

5 MR. SCHOLAR: And I understand, Judge. I know

6 you've ruled on that previously. However --

7 THE COURT: Was there an objection to it?

8 MR. SCHOLAR: There was an objection.

9 I believe the government said they were going to  
10 play snippets. First, we wanted to know what snippets they're  
11 intending to play.

12 THE COURT: Well, nobody is playing anything today.

13 MS. GEDDES: That's correct.

14 THE COURT: And as I understand it -- and I could  
15 really be wrong on this because there were a number of motions  
16 in limine -- I don't recall any specific motions in limine  
17 about video evidence. And correct me if I am wrong about  
18 that. I just do not recall that there was a motion to  
19 preclude anything, so I am a little bit in the dark about some  
20 of the things that we are talking about.

21 What I would suggest is, as I said with respect to  
22 that other evidence, this is the -- this is a foundational  
23 witness who you probably could have stipulated to that he  
24 recovered this, this laptop or whatever it is, and I do not  
25 think there is any real dispute that this stuff is on there.

## Proceedings

2533

1           So the question is, which of it comes into evidence?  
2 I have made my ruling, so you can try to persuade me that I am  
3 wrong about the one that we talked about at the side. There  
4 is no application before me on the other ones, unless you are  
5 making one now.

6           MR. SCHOLAR: Judge, we would make one now with  
7 respect to the --

8           THE COURT: But I do not know what you are asking  
9 because I would need to identify what the videos are and to  
10 whom they relate. There has clearly been testimony by  
11 multiple witnesses that one of the features of their time with  
12 the defendant was that he was taping things on a pretty  
13 constant basis, and so they are clearly relevant to that  
14 testimony. But again, I am just speaking generally here  
15 because of what has been represented to me. This isn't  
16 something that anybody litigated before.

17           So the witness is here, I am trying to move the  
18 trial along a little bit. My suggestion is that he can  
19 testify to what is on there and then we can have a  
20 conversation about which of the videos comes in, but I would  
21 have been happier to have this conversation before now.

22           MR. SCHOLAR: Understood, Judge.

23           THE COURT: So why don't we proceed that way.  
24 Nobody is playing anything today, as far as I understand, and  
25 so I think why don't we finish the witness.

Proceedings

2534

1 Who comes after this, by the way?

2 MS. GEDDES: We have a witness who is en route and I  
3 believe she will be next. And her name is Alexis.

4 THE COURT: Okay. Also, but no videos related to  
5 Alexis, correct?

6 MS. GEDDES: No videos related to Alexis.

7 MR. CANNICK: I just want to know from the  
8 government; they said she is en route?

9 MS. GEDDES: Is she on the ground?

10 MR. CANNICK: Okay.

11 MS. GEDDES: Yes.

12 MR. CANNICK: Okay.

13 THE COURT: She is on the Bronx River Parkway.  
14 Kidding.

15 All right. Shall we get the witness?

16 MS. GEDDES: Yes.

17 Just to be clear -- my team has corrected me --  
18 there are videos, but not that type of video.

19 THE COURT: Okay. All right. Go ahead.

20 (Witness enters the courtroom.)

21 THE COURT: You can have a seat until we get the  
22 jury.

23 THE CLERK: All rise.

24 (Jury enters the courtroom. )

25 THE CLERK: You may be seated.

M. Wilson - Direct - Geddes

2535

1 THE COURT: All right, jurors. Welcome back. We  
2 are ready to proceed with the direct examination of the  
3 witness.

4 MS. GEDDES: Thank you.

5 THE CLERK: The witness is reminded he is still  
6 under oath.

7 THE WITNESS: Yes.

8 DIRECT EXAMINATION

9 BY MS. GEDDES: (Continuing)

10 Q All right. Before we broke for lunch, I had showed you a  
11 series of exhibits, 326, 326(a) through (j), 327, 328, 329,  
12 336, and 341 through 343.

13 Do you recall those exhibits?

14 A Yes.

15 Q And do those exhibits reflect partial examination reports  
16 from your forensic examination of Government Exhibit 345,  
17 which was that iPad that was introduced into evidence earlier  
18 today?

19 A Yes, it does.

20 MS. GEDDES: At this time the government offer --  
21 oh, one moment.

22 And I'm showing the witness what's been marked for  
23 identification as 327(a) and 327(b). This is already in  
24 evidence.

25 Q Do you recognize 327(a) and (b)?

M. Wilson - Direct - Geddes

2536

1 A Yes, I do.

2 Q And are those your initials there?

3 A Yes.

4 Q And have you had an opportunity to review 327(a) and (b)?

5 A Yes, I have.

6 Q And are those videos that were recovered on Government  
7 Exhibit 347?

8 A Yes.

9 MS. GEDDES: And now I am showing just the witness  
10 what's been marked for identification as 328(a), 330(a),  
11 342(a), 329(a), 341(a) and 343(a).

12 Q Do you recognize that?

13 A Yes.

14 Q And is that a CD containing videos as well?

15 A Yes, it is.

16 Q And were those videos also recovered from the iPad which  
17 is in evidence as Government Exhibit 347?

18 A Yes.

19 Q That was recovered from the defendant's residence?

20 A Correct.

21 Q And are these your initials listed here?

22 A Yes.

23 MS. GEDDES: At this time the government offers 326  
24 and 326(a) through (j), 327, 328 and 328(a), 329 and 329(a),  
25 336 and 336(a) and 341, 342, and 343, along with 341(a),

M. Wilson - Direct - Geddes

2537

1 342(a) and 343(a).

2 THE COURT: Subject to the discussion that we had  
3 before, those are admissible.

4 (Government Exhibits 326, 326(a) through (j), 327,  
5 328, 328(a), 329, 329(a), 336, 336(a), 341, 342, 343, 341(a),  
6 342(a) and 343(a) were received in evidence.)

7 MR. CANNICK: Thank you, Your Honor.

8 THE COURT: Thank you.

9 MS. GEDDES: I am going to provide -- may I  
10 approach, Your Honor?

11 THE COURT: Yes.

12 MS. GEDDES: I am going to provide the witness  
13 Government Exhibit 326.

14 And may I publish to the jury only? This is 326(a),  
15 326(b), 326(c).

16 Q Did you recognize the photo shown in 326(a) through  
17 326(c)?

18 A Yes.

19 Q And are those photographs that were found on the  
20 defendant -- on the iPad that was seized from the defendant's  
21 residence, in evidence as Government Exhibit 347?

22 A Yes, they were.

23 Q And if you -- referring to what's in front of you,  
24 Government Exhibit 326, I want to direct your attention to  
25 Image 1914.



M. Wilson - Direct - Geddes

2538

1 Do you see that?

2 A Yes.

3 Q And I believe that corresponds to what's shown as 326(a);  
4 is that correct?

5 A Yes, it does.

6 Q And are you able to see, from looking at 326, when that  
7 particular photograph was taken?

8 A Yes, I can.

9 Q When was it taken?

10 A January 14th of 2018.

11 Q And are you able to determine with what it was taken?

12 A Yes.

13 Q What device?

14 A Yes. It was taken with an Apple iPad Pro.

15 Q And are there a series of photographs of that individual  
16 in the same attire that were also taken on January 14th of  
17 2018? And specifically directing your attention to Image  
18 1915, 1916, 1917, 1918, 1919 and 1920.

19 A Yes.

20 Q And were each of those images also photographs taken on  
21 January 14th of 2018?

22 A Yes.

23 Q And were they taken using that same device that you just  
24 identified, the iPad Pro?

25 A Yes, they were.

M. Wilson - Direct - Geddes

2539

1 Q And I just referred to a series of images. Is that  
2 just -- I said image, I think. And then it's listed as  
3 image\_1915. Is that just the file name that a particular  
4 photograph was saved as?

5 A Yes. That's the default naming convention for Apple  
6 products.

7 Q And now I want to direct your attention to what's  
8 identified in Government Exhibit 326 or what's listed in  
9 Government Exhibit 326 as Image 2026 and 2025.

10 Can you take a look at those?

11 A Yes.

12 MS. GEDDES: And I'm showing, again to the jury  
13 only, what's in evidence as 326(i) and 326(j).

14 Q Are those photographs reflected in Image 2026 and Image  
15 2025?

16 A Yes, they are.

17 Q And are you able to determine, from reviewing Government  
18 Exhibit 326, when those two photographs were taken?

19 A February 3rd, 2018.

20 Q And are you able to determine what device was used to  
21 take those two photographs?

22 A Yes. Apple iPad Pro.

23 Q And is that also the same device that was listed for the  
24 photographs you just testified about a moment ago?

25 A Yes.

M. Wilson - Direct - Geddes

2540

1 Q And I am going to take back 326 for a moment from you.

2 MS. GEDDES: And I am now showing what's in evidence  
3 as Government Exhibit 327.

4 And this can be shown to everyone.

5 Q And this right here is page 4 of Government Exhibit --

6 MS. GEDDES: Oh, I'm sorry, it can't be shown to  
7 everyone. I apologize, Your Honor.

8 Can I just show it to the jury only?

9 THE COURT: Sure.

10 MS. GEDDES: All right. I'm showing, the jury only,  
11 what's in evidence as Government Exhibit 327.

12 Q Can you just briefly describe what is shown where my pen  
13 is, what's reflected there, just generally speaking?

14 A That's usually what happens, is it's showing a video, and  
15 those are thumbnails from the video showing segments of it.

16 Q All right. And that particular file is identified by  
17 file name img\_1930.mov; is that correct?

18 A Yes, it is.

19 Q And was that one of the videos featured on Government  
20 Exhibit 327(a) and (b), that CD that you reviewed previously?

21 A Yes, it is.

22 Q And from looking at Government Exhibit 327, are you able  
23 to determine on what day that video was created?

24 A Yes. January 14th, 2018.

25 Q And are you able to determine what device was used to

M. Wilson - Direct - Geddes

2541

1 create that video?

2 A Yes, with the Apple iPad Pro.

3 Q And now I want to direct your attention to --

4 THE COURT: Could I just see the parties at the side  
5 for a minute just with the court reporter.

6 (Sidebar.)

7 (Continuing on the next page.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Sidebar

2542

1 (Sidebar conference held on the record out of the  
2 hearing of the jury.)

3 THE COURT: I just want to clarify, are these  
4 thumbnails some of the videos?

5 They're not?

6 MS. GEDDES: No.

7 So what I'm going to -- these two videos are in  
8 evidence from yesterday. What we played yesterday, I'm not  
9 going to show the thumbnails for the videos in question. I'm  
10 only going to establish the date that they were made. That's  
11 it.

12 THE COURT: Okay. Do you object to Counsel doing  
13 that sort of as a group?

14 MR. CANNICK: Not at all.

15 THE COURT: Okay. Rather than going through each  
16 one.

17 It is riveting.

18 MS. GEDDES: I understand, it is riveting.

19 THE COURT: If there is a way to do it. If they do  
20 not object to the dates, it might move things along if your  
21 witness needs more time to get here.

22 MS. GEDDES: She literally just walked in.

23 THE COURT: We will just take a little break.

24 But it seems to me there is not a whole lot of  
25 dispute about where these came from or what the dates are, and

Sidebar

2543

1 so if we just want to say -- I mean, I think it is fine to say  
2 do them as a group.

3 MS. GEDDES: Yes, they're listed a little bit  
4 differently, but I will do my best to move it along.

5 THE COURT: Yes, I just think if nobody is disputing  
6 it, there is no reason to.

7 MR. CANNICK: I'm not disputing it, Scholar is not  
8 disputing it.

9 THE COURT: Just in terms of that sort of basic  
10 foundation, also.

11 MS. GEDDES: Yes.

12 THE COURT: Okay.

13 (Sidebar ends.)

14 (Continuing on next page.)

15

16

17

18

19

20

21

22

23

24

25

M. Wilson - Direct - Geddes

2544

1 BY MS. GEDDES:

2 Q And you have testified about the creation date of several  
3 photographs and now two videos. And on the examination  
4 reports that you have seen, have you seen both a create -- one  
5 field that says "creation date/time" and then below that a  
6 "created date/time"?

7 A Yes.

8 Q And is the "created date/time" the date on which the  
9 photograph or video was taken by a particular device?

10 A Yes.

11 Q And the create -- the -- and that is located as the -- I  
12 just want to make sure that I have not misspoken.

13 All right. Just looking at Government Exhibit 327  
14 again, where my finger is pointed there is something at the  
15 top that says "created date/time" and then it goes on to say  
16 "UTC." And then there's another, "created date/time-local."  
17 Is it -- the created date/time-local, that is the date on  
18 which the video or photograph was taken?

19 A Yes, it is.

20 Q Okay. And at least as with respect to this video where  
21 -- the created date/time that is above that, is that the date  
22 on which this report was created?

23 A Yes, it is.

24 Q Not the date when it was -- the photograph itself or  
25 video itself was taken, correct?

M. Wilson - Direct - Geddes

2545

1 A That's correct.

2 MS. GEDDES: Nothing further.

3 THE COURT: Okay. Any cross-examination?

4 MR. CANNICK: No, none.

5 THE COURT: Okay. Thank you so much. You can step  
6 down.

7 (Witness excused.)

8 THE COURT: Now, do we need a few minutes to --

9 MS. GEDDES: Maybe just a five-minute break,  
10 Your Honor.

11 THE COURT: It is never really five.

12 I think we will make it ten minutes just because of  
13 the weather. We have had a little difficulty getting some of  
14 the people here, so I just want to make sure everything is in  
15 place.

16 So, ten minutes. Please do not talk about the case.

17 THE CLERK: All rise.

18 (Jury exits the courtroom. )

19 THE COURT: Okay. Everybody can sit down.

20 And unless anybody has anything they want to  
21 discuss, we are in recess for a little bit. All right? For  
22 -- do you really think five minutes?

23 MS. GEDDES: Yes.

24 THE COURT: Okay.

25 (A recess was taken.)



Proceedings

2546

1 THE COURT: Let's get everybody out here. Thank  
2 you.

3 Do we have everyone? Are we missing anybody?  
4 That's what I thought. Do you know where she is?

5 MR. FARINELLA: She is nearby. I think she went to  
6 the bathroom, Your Honor.

7 THE COURT: Okay. Thanks. She is just not here  
8 right now, but we will be back soon, right?

9 Great. Okay.

10 Why don't we get the witness and then we will see,  
11 we will move on from there.

12 (Witness enters the courtroom.)

13 THE COURT: Okay. Let's get the jury, please.

14 THE CLERK: All rise.

15 (Jury enters the courtroom.)

16 THE CLERK: You may be seated.

17 THE COURT: All right. We are ready to proceed with  
18 the next witness.

19 Will you call the witness, please?

20 MS. GEDDES: The government calls Alexis.

21 THE CLERK: Please stand and raise your right hand.

22 Do you solemnly swear or affirm that the testimony  
23 you're about to give will be the truth, the whole truth, and  
24 nothing but the truth?

25 THE WITNESS: I do.

Proceedings

2547

1 (Witness sworn.)

2 THE CLERK: You may be seated.

3 THE COURT: You can take your mask off.

4 All right. Just a couple of things before we begin.

5 I want to make sure the jury can hear you and that  
6 our court reporter can take down everything that you say, so  
7 please speak into the microphone and speak slowly.

8 THE WITNESS: Okay.

9 THE COURT: If there is a question that you want to  
10 have clarified or repeated, let me know, and I will tell the  
11 lawyer to rephrase it.

12 THE WITNESS: Okay.

13 THE COURT: Just that same thing about making sure  
14 the court reporter can take everything down, just do not talk  
15 over whichever lawyer is asking you questions.

16 And do your best just to answer the question you are  
17 being asked. Okay?

18 THE WITNESS: Okay.

19 THE COURT: Let's make sure the microphone is on.  
20 Just tap it.

21 There is a button there. Try now.

22 THE WITNESS: It's on.

23 THE COURT: Cannot hear you.

24 That is good. All right. So pull it a little bit  
25 closer to you. Great. Go ahead.

Alexis - Direct - Geddes

2548

1 **ALEXIS**, having been first duly sworn, was examined and  
2 testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MS. GEDDES:**

5 Q Good afternoon.

6 A Hi.

7 MS. GEDDES: I'm showing the witness only what's  
8 been marked for identification as Government Exhibit 63.

9 Q Do you recognize what's shown in 63?

10 A Yes, that's myself.

11 Q Is that a photo of you?

12 A Yes.

13 MS. GEDDES: The government offers 63.

14 MR. CANNICK: No objection.

15 THE COURT: All right, no objection.

16 All right, it is in.

17 (Government Exhibit 63 was received in evidence.)

18 MS. GEDDES: And then I'm showing the witness only  
19 what's been marked for identification as 63(a).

20 Q Does 63(a) show that same photograph in Government  
21 Exhibit 63?

22 A Yes.

23 Q And beneath that, is that your true first and last name?

24 A It is.

25 MS. GEDDES: The government offers 63(a) and ask

Alexis - Direct - Geddes

2549

1 that it be published just to the jury.

2 THE COURT: Any objection?

3 MR. CANNICK: None.

4 THE COURT: Okay. We can publish it just to the  
5 jury.

6 (Government Exhibit 63(a) was received in evidence.)

7 Q For today, I am just going to refer to you as "Alexis."  
8 Okay?

9 A Okay.

10 Q How old are you?

11 A 31.

12 Q When is your birthday?

13 A July 9, 1990.

14 Q Are you employed?

15 A I am.

16 Q What do you do?

17 A I am a registered nurse.

18 Q And where were you raised, in what city?

19 A Jacksonville, Florida.

20 THE COURT: And keep your voice up.

21 THE WITNESS: Okay.

22 THE COURT: That is much better. Thanks.

23 THE WITNESS: Okay.

24 Q Did you graduate with your high school class?

25 A I did not.

Alexis - Direct - Geddes

2550

1 Q What happened?

2 A I dropped out and then I later obtained my GED.

3 Q And how old were you when you stopped going to high  
4 school, before you got your GED?

5 A I was probably 16, 17.

6 Q And after getting your GED, did you continue your  
7 education?

8 A I did.

9 Q And are you still in school today?

10 A I am.

11 Q What are you in school for?

12 A For a nurse practitioner, my master's of science and  
13 nursing.

14 Q And did you previously get your bachelor's degree in  
15 nursing?

16 A I did.

17 MS. GEDDES: I am showing what's in evidence as  
18 Government Exhibit 1.

19 Q Do you recognize the individual shown in Government  
20 Exhibit 1?

21 A Yes, I do.

22 Q Who is that?

23 A The defendant, Robert Kelly.

24 Q And do you see him in court today?

25 A Yes, I do.

Alexis - Direct - Geddes

2551

1 Q Can you point to him and describe an article of his  
2 clothing?

3 A He has a blue tuxedo on.

4 MS. GEDDES: Let the record reflect that the witness  
5 has identified the defendant.

6 THE COURT: Yes.

7 Q Do you personally know the defendant, Robert Kelly?

8 A I do.

9 Q Where did you first meet him?

10 A Jacksonville, Florida.

11 Q And where was it that you met him in Jacksonville?

12 A It was at a concert.

13 Q Do you remember who the headliner of the concert was, who  
14 was headlining it?

15 A I believe it was him at the Light It Up Tour.

16 Q Do you recall when the concert took place?

17 A It was sometime in 2006.

18 Q And how old were you at the time of the concert?

19 A I believe 15 turning 16 that year.

20 Q And approximately how old was the defendant?

21 A Oh, I don't know.

22 Q Who did you attend the concert with?

23 A Family and a friend. My mother, my uncle, and then one  
24 of my good friends.

25 Q Whose idea was it to attend the concert?

Alexis - Direct - Geddes

2552

1 A It was kind of a collective idea, but mostly my mom.

2 Q And would you describe yourself as a fan of the  
3 defendant's music back in 2006?

4 A Yes, I would.

5 Q Where in the venue were you sitting?

6 A In the front row.

7 Q What if any interaction did you have with the defendant  
8 or his associates that night?

9 A We were asked to come backstage and we kind of hung out  
10 for the night, went to a club called the Leopard Lounge and  
11 then later went to IHOP.

12 Q You said you were asked to go backstage. Do you recall  
13 how you were asked to go backstage?

14 A It was some man. I'm taking that it was someone from his  
15 entourage.

16 Q And how did that individual go about asking you to come  
17 backstage?

18 A He just walked up to me and Elizabeth and stated that Rob  
19 wanted us to meet him in the back.

20 Q And you just referenced Elizabeth. Is that your good  
21 friend who you went to the concert with as well?

22 A Yes.

23 Q And you testified earlier that you went backstage. Who  
24 initially went backstage?

25 A It was just myself and Elizabeth at first, but then it

Alexis - Direct - Geddes

2553

1 was my family after that.

2 Q And what if any interaction did you have with the  
3 defendant when you and your friend Elizabeth first went  
4 backstage?

5 A We just talked about the show.

6 And then he asked who we were there with. I told  
7 him I was there with my family, and then he invited them  
8 backstage with us.

9 Q And did your family then go backstage?

10 A Yes.

11 Q You mentioned that after speaking with the defendant  
12 backstage, you went somewhere else; is that correct?

13 A Yes. We stayed there for -- I don't recall the amount of  
14 time, but we were playing cards, eating, and then we left to  
15 go to the club after that.

16 Q And what was the name of the club where you went?

17 A Leopard Lounge.

18 Q And who went to the club with you?

19 A We all did.

20 Q To include your family and your friend Elizabeth?

21 A Yes.

22 Q As well as the defendant?

23 A Yes.

24 Q Where, if anywhere, did you go after going to the club?

25 A IHOP.



Alexis - Direct - Geddes

2554

1 Q The restaurant?

2 A Mm-hm.

3 Q And do you remember who went to the IHOP?

4 A We all did.

5 Q And again, with your mom, and did you say it was your  
6 stepfather?

7 A Yes.

8 Q What if any arrangements did you make to communicate with  
9 the defendant after that night?

10 A I had just told him that I would be calling him. And he  
11 informed me that he was going to be at The Avenues mall the  
12 next day.

13 Q And how were you going to get in contact with him?

14 A Via cell phone.

15 Q Did he give you his number?

16 A Yes.

17 Q And did you, in fact, call the defendant?

18 A I did.

19 Q And did you make arrangements to see him again?

20 A I did.

21 Q Where did you arrange to see him?

22 A The next day that I saw him was the day after the concert  
23 at The Avenues mall.

24 Q And do you remember how you got to The Avenues mall that  
25 day?

Alexis - Direct - Geddes

2555

1 A Yes, by car.

2 Q Did you go by yourself or with somebody else?

3 A Elizabeth took me.

4 Q And at the time did you have your driver's license?

5 A I may have had my permit. I'm not sure if I had my  
6 license at that time.

7 Q You were 15 years old at that time?

8 A So it would have been permit.

9 Q Okay. Where within The Avenues mall did you arrange to  
10 meet the defendant?

11 A I met him on the tour bus.

12 Q And do you remember where the tour bus was parked?

13 A Just in the parking lot.

14 Q Of The Avenues mall?

15 A Yes, ma'am.

16 Q When you arrived at the mall, was the defendant on the  
17 tour bus?

18 A He was not.

19 Q What did you do when you arrived?

20 A I got to the tour bus, I let him know that I was there,  
21 and he told me to just go on the bus and wait for him and that  
22 he was coming, he was finishing up shopping.

23 Q Approximately -- did you eventually see the defendant  
24 that day?

25 A I did.

Alexis - Direct - Geddes

2556

1 Q Approximately how long was it before you saw the  
2 defendant?

3 A It may have been an hour, maybe two, but I wasn't really  
4 sure.

5 Q And where did you eventually see the defendant?

6 A On the tour bus.

7 Q Do you remember whether anyone else was on the tour bus  
8 with you and the defendant?

9 A No, there was -- it was just us.

10 Q And what, if anything, was your friend Elizabeth doing  
11 while you were waiting on the tour bus?

12 A She was waiting for me. She might have went inside  
13 briefly, but she was just waiting for me to get done.

14 Q And when you said "she might have went inside," did she  
15 ever come inside the tour bus?

16 A No, inside the mall.

17 Q Okay. What happened when the defendant arrived on the  
18 tour bus itself?

19 A He walked in and then we kind of just generally talked  
20 about the next city that he would be going to, and then I  
21 signed a nondisclosure.

22 Q How did it come to be that you signed a nondisclosure?

23 A He just told me that I should never take pictures and I  
24 just was told to sign it, so I did.

25 Q Did you receive a copy of that nondisclosure agreement?

Alexis - Direct - Geddes

2557

1 A I did not.

2 Q And were you asked to provide any identification when you  
3 signed that nondisclosure agreement?

4 A No.

5 Q Do you recall having a discussion with the defendant  
6 about your age?

7 A Yes, I may have. But his general response was just  
8 there's nothing wrong with platonic friendship at that time  
9 and then if it turns into something over time, then so be it.

10 Q At any point did you hide your true age from the  
11 defendant?

12 A No.

13 Q Do you recall what types of -- what topics you discussed  
14 with the defendant on the tour bus?

15 A I don't. I believe it was just where he was going next.

16 Q How, if at all, did you communicate with the defendant  
17 after you saw him on the tour bus at The Avenues mall?

18 A I would call him or text him via cell phone. It was just  
19 random.

20 Q Did you eventually see the defendant again?

21 A I did.

22 Q Do you have a clear memory as to the next time or next  
23 location where you saw the defendant?

24 A I do not.

25 Q Did you ultimately have a sexual relationship with the

Alexis - Direct - Geddes

2558

1 defendant while you were still in your teens?

2 A When I was in my teens, I'm not sure, like 18 or over. I  
3 don't really recall when the first relation was between me and  
4 him.

5 Q Do you remember where you were when you first had sexual  
6 contact with the defendant?

7 A In Chicago.

8 Q Where in Chicago?

9 A His home in Olympia Fields.

10 Q And did you ultimately travel to Chicago to see the  
11 defendant at his home in Olympia Fields?

12 A I did.

13 Q On one occasion or more than one occasion?

14 A More than one occasion.

15 Q And when you did travel to see the defendant in Chicago,  
16 how often would you have sexual contact with him during those  
17 trips?

18 A It would be kind of random. Sometimes it was we didn't  
19 have sexual intercourse, but it was usually related to  
20 something that came up in between menstrual cycle or he was  
21 busy.

22 Q When you saw the defendant and you were not on your  
23 menstrual cycle, did you have sexual contact with the  
24 defendant?

25 A For the most part.

Alexis - Direct - Geddes

2559

1 Q Yes?

2 A Yes.

3 Q And when you were with the defendant, what if any  
4 protection did he use?

5 A None.

6 Q What, if anything, did he ever tell you about any  
7 sexually transmitted diseases that he had?

8 A None.

9 Q And to your knowledge, have you ever contracted an STD  
10 from the defendant?

11 A No.

12 Q Aside from seeing the defendant in your teens -- and I'm  
13 using "teens" to refer to 15, when you met him, until 19 --

14 A Okay.

15 Q -- do you remember -- did you see the defendant in cities  
16 other than Chicago?

17 A I believe Miami.

18 Q And when you saw the defendant in Miami, were you still  
19 living in Jacksonville?

20 A Yes, I was.

21 Q Approximately how far is Miami from Jacksonville?

22 A Five and a half hours by driving.

23 Q And do you remember how you got from your home in  
24 Jacksonville to Miami to see the defendant?

25 A I drove to The Avenues mall and then the bus, the tour

Alexis - Direct - Geddes

2560

1 bus, picked me up and took me to Miami.

2 Q And The Avenues mall, was the mall in Jacksonville where  
3 you first met the defendant?

4 A Correct.

5 Q You testified that the tour bus took you from The Avenues  
6 mall in Jacksonville to Miami. Do you know how that was  
7 arranged?

8 A I believe I called him. And he informed me that he was  
9 in Miami, so I asked if I could come to see him and he had it  
10 set up.

11 Q And when you say "he" and "him" now, are you referring to  
12 the defendant?

13 A I am.

14 Q Do you remember who, if anyone else, was on the tour bus  
15 when you traveled from Jacksonville to Miami to see the  
16 defendant?

17 A It was just the driver and myself, Terry.

18 Q The bus driver's name was Terry?

19 A Yes.

20 Q Do you remember his last name?

21 A I do not.

22 Q Do you recall -- during that particular trip when you  
23 took the tour bus from Jacksonville to Miami, do you recall  
24 how long you stayed in Miami?

25 A It may have been a night, but I'm not 100 percent sure.

Alexis - Direct - Geddes

2561

1 Q Okay. Fair to say your memory is a little bit shaky when  
2 it comes to that time frame?

3 A Yes. That was over 15 years ago.

4 Q What, if anything, do you recall going on in Miami when  
5 you got there?

6 A I believe he was at the hospital because I think he may  
7 have had a ruptured appendix and I was seeing him post  
8 surgery.

9 (Continuing on the next page.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Alexis - Direct - Geddes

2562

1 BY MS. GEDDES:

2 Q And do you remember why the defendant was in Miami in  
3 the first place?

4 A I do not.

5 Q Approximately -- not approximately -- how old were you in  
6 February of 2007?

7 A Sixteen.

8 Q Aside from that particular trip to Miami, do you recall  
9 any other trips to Miami while you were still in your teens?

10 A I don't.

11 Q Was there a time when there was a video shoot in Miami?

12 A There may have been, not a video shoot, but there may  
13 have been recordings while we were at eating at the McDonald's  
14 I believe.

15 Q Do you remember where that McDonald's -- what city that  
16 McDonald's was located in?

17 A I believe it's Miami, but there is a possibility it could  
18 have been Jacksonville.

19 Q Was it in Florida?

20 A Yes.

21 Q What, if anything, do you remember that was being  
22 recorded on that occasion that you just referenced?

23 A We were just all sitting around eating and kind of just  
24 joking around.

25 Q When you say we all were just sitting around eating, who

Alexis - Direct - Geddes

2563

1 do you recall being there?

2 A It was part of his entourage and him and me.

3 Q Again, referring to the defendant and his entourage?

4 A Yes.

5 Q What, if anything, do you recall thinking while that  
6 video was being made?

7 A I was just worried about being in the video.

8 Q Why were you worried about being in the video?

9 A Because of the relation of who he is, and you know, just  
10 being there.

11 Q Do you have a memory as to not your exact age, but  
12 anything about your age at the time of that video?

13 A I'm pretty sure I was probably 17 at the time.

14 Q Why do you remember -- why do you believe you were 17 at  
15 the time?

16 A I just know that I wasn't of age because of the  
17 recording.

18 Q What do you mean by that?

19 A Because of how I felt whenever the recording was going  
20 on.

21 Q Can you explain just so the jury understands what you  
22 were concerned about, what you're referring to?

23 A Because I was under the age of 18 and being on recording  
24 was a concern for me.

25 Q Just to be clear, in the McDonald's I think you testified

Alexis - Direct - Geddes

2564

1 that the video was being recorded in the McDonald's, what type  
2 of video was being recorded?

3 A I think it was just a videography of what was going on at  
4 that time.

5 Q As you sit here today, do you know who was making that  
6 recording?

7 A I don't.

8 Q You testified earlier that you traveled to Chicago to see  
9 the defendant while you were still in your teens; is that  
10 correct?

11 A Yes.

12 Q How did you travel from Jacksonville to Chicago?

13 A By plane.

14 Q When you traveled to Chicago, did you have a cellphone?

15 A I did.

16 Q Would you bring your cellphone with you?

17 A I would.

18 Q Who arranged your travel from Jacksonville to Chicago?

19 A Sometimes I would reach out to him and tell him I would  
20 want to come, and he would either get it set up. Or I would  
21 talk with a runner or someone else.

22 Q Again, the "he" is referring to the defendant?

23 A Yes.

24 Q You mentioned that you would speak with a runner, what do  
25 you mean by a runner?

Alexis - Direct - Geddes

2565

1 A I guess, his employees.

2 Q Other than traveling to Chicago, did you otherwise fly  
3 when you were under 18 years old?

4 A No.

5 Q Referring to the time when you were in your teens, I  
6 think you testified -- you tell me -- where would you stay  
7 when you visited the defendant?

8 A Most of the time in his home in Olympia Fields in what I  
9 believe was the master bedroom.

10 Q Do you recall how you would get to Olympia Fields -- to  
11 the defendant's house in Olympia Fields from the airport?

12 A Sometimes either by taxi or someone would come pick me  
13 up, one of his workers.

14 Q When you arrived at the defendant's residence, do you  
15 recall having to sign a second non-disclosure agreement?

16 A No.

17 Q When you visited the defendant do you recall being asked  
18 to provide your identification?

19 A I don't recall.

20 Q What would happen when you arrived at the defendant's  
21 residence in Olympia Fields?

22 A For the most part whenever I would arrive I would drop my  
23 things off in the room. And usually I was tired, I would  
24 probably sleep or what have you. I would let him know that I  
25 was there. If I wanted to go to the mall or wherever I wanted

Alexis - Direct - Geddes

2566

1 to go, I would tell him and they would take me.

2 Q Initially when you got to the inside of the residence,  
3 how would you get to the room where you were staying?

4 A I was escorted there.

5 Q What, if any, communication would you have with others  
6 while you were at the defendant's residence in Olympia Fields?

7 A Can you clarify the question?

8 Q Sure. I think you mentioned earlier that if you wanted  
9 to go to the mall, you would contact someone; is that correct?

10 A Yes.

11 Q Who would you contact?

12 A Usually whoever scheduled my flight or I would call him  
13 and tell him I wanted to go somewhere and just whoever it was  
14 at the time that I was able to reach out to.

15 Q Again, when you say that you would call "him" you're  
16 referring to the defendant?

17 A Yes.

18 Q How about if you wanted to eat while you were at the  
19 defendant's house in Olympia Fields?

20 A Yes. They had a menu. So it was a book, they called it  
21 room service, you could order whatever you wanted of the  
22 nearby restaurants. So I would just call them and tell them  
23 what I would want, whatever it was that I was wanting.

24 Q Who would you call?

25 A Either the runners or him, the defendant.

Alexis - Direct - Geddes

2567

1 Q Did you -- you think you testified that you believe on  
2 most occasions you stayed in the defendant's master bedroom;  
3 is that correct?

4 A Yes.

5 Q Were there other locations within the defendant's house  
6 that you spent time?

7 A Yes.

8 Q Where else do you remember spending time when you were at  
9 the defendant's house?

10 A In the studio, in the living room area. Then there was a  
11 room that was adjacent to there, I stayed in that room. There  
12 was also like a studio, not a studio, but like a cigar room  
13 area, as well as the theater.

14 Q You mentioned the room that was adjacent to the living  
15 room, what, if anything, do you remember about that room?

16 A There was a mirror on the ceiling.

17 Q You also mentioned that on occasion you were in the  
18 studio, was there a particular room within the studio where  
19 you spent time?

20 A The recording room.

21 Q What, if anything, do you remember about the recording  
22 room where you spent time?

23 A It was just kind of like wooden, like log cabin feel.

24 Q Were you ever in the a garage at the defendant's  
25 residence?

Alexis - Direct - Geddes

2568

1 A Yes.

2 Q How do you recall the garage appearing to you?

3 A There was a boxing ring in there. And I believe, if my  
4 memory serves me correct, there was a sauna.

5 Q What, if anything, do you recall occurring with respect  
6 to one of your flights to Chicago when you were visiting the  
7 defendant when you were still in your teens?

8 A I lost my luggage.

9 Q Do you remember on which part of the trip you lost your  
10 luggage?

11 A I think I do, but it's kind of hazy, but I'm pretty sure  
12 that I do.

13 Q Which part did you lose your luggage?

14 A Can you clarify?

15 Q Yes. When you arrived in Chicago after traveling from --  
16 you were traveling from Jacksonville, correct?

17 A Yes.

18 Q When arrived in Chicago from Jacksonville, did you have  
19 your luggage with you?

20 A No.

21 Q Had you brought luggage with you?

22 A Yes.

23 Q Do you remember what airline you flew?

24 A I don't.

25 Q Was there a particular airline that you often flew or do

Alexis - Direct - Geddes

2569

1 you not know?

2 A I don't know.

3 Q The time when you flew to Chicago what, if anything, do  
4 you recall happening when you got to Chicago without your bags  
5 or bag?

6 A I let him know, the defendant know, that I didn't have  
7 anything. And so he told me not to worry that someone would  
8 go get me some things. They brought back a whole bunch of  
9 options for me to choose from, bathing suits, clothes, and I  
10 had everything that I needed.

11 Q What, if any, sexual contact did you have with the  
12 defendant during that particular trip?

13 A There was no sexual contact that trip that I can recall.

14 Q Had you previously had sexual contact with the defendant?

15 A Not intercourse, no, ma'am.

16 Q How about other than intercourse?

17 A No.

18 Q Who, if anyone, do you recall meeting -- what, if  
19 anything, do you recall happening during that trip?

20 A I recall, I believe, it was a party, it was like a luau  
21 theme. We were outside. So we were all kind of hanging out,  
22 listening to music. There was some random guy that walked up  
23 to me and was trying to talk to me. The defendant came up and  
24 let him know that I was with him and to basically move on,  
25 kind of leave me alone, because he was trying to get my



Alexis - Direct - Geddes

2570

1 number.

2 Q Do you recall having a conversation with another female  
3 during that trip during that luau party?

4 A Yes, I do.

5 Q Who do you recall having a conversation with?

6 A Brittany.

7 Q Who is Brittany?

8 A Some girl that was there. It was her first time there.  
9 She was just asking if I've ever been there before.

10 MR. CANNICK: Objection.

11 THE COURT: Overruled.

12 Q Do you recall whether you had been to the defendant's  
13 house prior to that trip?

14 A Yes.

15 Q Had you been there to his house before?

16 A Yes.

17 Q Do you recall on how many occasions you traveled to the  
18 defendant's house before that trip?

19 A No, I don't.

20 Q Who, if anyone, else was part of your sexual encounters  
21 with the defendant?

22 A Eventually there was sexual relations between me and  
23 Juice.

24 Q Who is Juice?

25 A A girl that used to be up there whenever I was there.

Alexis - Direct - Geddes

2571

1 Q How did it come to be that you had a sexual encounter  
2 with the defendant and Juice?

3 A I believe we had went out that night or something. And  
4 then we both had come back to wherever we were at, I don't  
5 recall the exact first time.

6 Q Is it fair to say that you had sexual contact with the  
7 defendant and Juice on more than one occasion?

8 A Yes.

9 Q Aside from sexual contact with Juice, do you recall  
10 another encounter, sexual encounter, with the defendant where  
11 another woman was included?

12 A It wasn't sexual, but it was kind of like dominance like  
13 BDSM type.

14 Q What do you recall about that particular encounter?

15 A I walked a girl around on a leash. We both had on  
16 lingerie. I don't recall what was said or what I was told to  
17 say, but I just recall that moment.

18 Q Do you remember where that happened?

19 A It was in the garage or the boxing room where the boxing  
20 ring was.

21 Q You indicated that you walked this other female on a  
22 leash. What do you mean by that?

23 A So I put the collar on her, and then she was like on her  
24 hands and knees and I was walking her.

25 Q Whose idea was that?

Alexis - Direct - Geddes

2572

1 MR. CANNICK: Objection.

2 THE COURT: Overruled.

3 A It was his.

4 Q To your knowledge, did the defendant ever record you  
5 engaging in sexual activity?

6 A Not to my knowledge.

7 Q Did you ever see the defendant with any video equipment?

8 A Not video equipment.

9 Q Just backing up one moment, you just testified it was his  
10 idea, the encounter with that other female in the boxing ring,  
11 why you referring to the defendant?

12 A Yes.

13 Q I'm sorry, I didn't hear your answer to my question. Did  
14 you ever see the defendant with video equipment?

15 A Not video equipment.

16 Q How about with videotapes?

17 A I saw tapes. I know that since he doesn't write his  
18 music, he had a tape recorder when he would, like, come up  
19 with lyrics.

20 Q Like a Dictaphone?

21 A Like recording audio, just audio.

22 Q So I'm referring to videotapes.

23 A Okay.

24 Q Was there a time when you saw the defendant with  
25 videotapes?

Alexis - Direct - Geddes

2573

1 A Randomly maybe in his backpack.

2 Q Do you recall what type of backpack?

3 A Usually designer.

4 Q Was there a time when you recall seeing the defendant  
5 with lighting equipment?

6 A Yes, there was one time. It looked like a construction  
7 light. It was yellow.

8 Q Where was that?

9 A In the master bedroom.

10 Q What, if anything, do you recall about where that  
11 construction light was?

12 A It was just randomly sitting like kind of between the bed  
13 and the window, like, not window, but there was doors where  
14 you could look out to the indoor pool area.

15 Q Was the lighting equipment on, that particular  
16 construction light, when you were with the defendant?

17 A No.

18 Q Was the lighting equipment set up in the room?

19 A Yes, it was plugged up but it wasn't on.

20 Q Did there come a time when you stopped communicating with  
21 the defendant for a period?

22 A Yes.

23 Q What do you recall prompting that initial stoppage in  
24 communication?

25 A I became pregnant, so I had my first child.

Alexis - Direct - Geddes

2574

1 Q When did you learn that you were pregnant?

2 A It was June of 2010.

3 Q Would that make you 19 at that time?

4 A Yes.

5 Q For how long did you stop communicating with the  
6 defendant?

7 A Approximately two years.

8 Q Did you later resume communicating with him?

9 A Yes.

10 Q Approximately when?

11 A 2012.

12 Q When you resumed communicating with him, did you continue  
13 to travel to see the defendant in Chicago?

14 A Yes.

15 Q When you traveled to Chicago to see him, after you  
16 resumed communications, where did you stay?

17 A I believe either there was a studio in Chicago or I would  
18 stay at hotels.

19 Q Who arranged your hotels?

20 A The defendant or a runner.

21 Q What, if any, instructions did the defendant give you  
22 about what you should do and not do when you were at those  
23 hotels?

24 A I wasn't given any instructions at the hotels.

25 Q What, if anything, did the defendant tell you about

Alexis - Direct - Geddes

2575

1 leaving the hotel room?

2 A I wasn't never told I couldn't leave the hotel room. But  
3 whenever I was staying in the Olympia Fields, I was told if I  
4 needed anything just to call someone and they would bring it  
5 to me.

6 Q I'm showing the witness what is marked for identification  
7 as Government's Exhibit 959 -- before I do that.

8 Do you remember the last four digits of your  
9 telephone number when you were in high school?

10 A 0160.

11 Q Approximately what ages, approximately what time frame  
12 did you have that telephone number ending 0160?

13 A I just know since I was in the sixth or seventh grade, so  
14 like 12, 13. I don't know when I got a new number.

15 Q Did you eventually get a new number?

16 A Yes.

17 Q Do you recall the last four digits of that new number?

18 A 0057.

19 Q I'm showing the witness only what is marked for  
20 identification as Government's Exhibit 959. Do you recognize  
21 what is shown in 959?

22 A Yes, I do that's my first phone number.

23 Q 0160?

24 A Yes.

25 Q I'm showing the witness only what is marked for

Alexis - Direct - Geddes

2576

1 identification as 938. Do you recognize what is known in 938?

2 A I do.

3 Q What is that?

4 A My current cellphone number.

5 Q Is that the one ending in 0057?

6 A It is.

7 MS. GEDDES: The Government offers 938 and 959.

8 MR. CANNICK: No objection.

9 THE COURT: Those are in evidence.

10 (Government Exhibit 938 & 959, was received in  
11 evidence.)

12 BY MS. GEDDES:

13 Q Did you use any other telephone numbers during the time  
14 that you knew the defendant?

15 A No. There was a phone that I had that I could directly  
16 call him from, but I don't remember that number.

17 Q How did you get that telephone?

18 A He gave that to me.

19 Q Do you remember what type of phone it was?

20 A A Motorola Razor.

21 Q What color?

22 A Pink.

23 Q You indicated that he gave it to you, are you referring  
24 to the defendant?

25 A Yes.

Alexis - Direct - Geddes

2577

1 Q What did you understand that particular phone was used  
2 for?

3 A To contact him.

4 Q Did you use it to contact anyone else?

5 A I could not dial any other number but his, or it was  
6 already stored with his number in there.

7 Q What do you mean that you couldn't dial anyone else's  
8 phone number?

9 A It wouldn't let me call any other number. I don't know,  
10 it was locked out.

11 Q Do you recall what the area code was?

12 A I don't.

13 Q Who provided that telephone number to you, that telephone  
14 to you?

15 A The defendant.

16 Q Do you recall the telephone numbers that you used to  
17 reach the defendant?

18 A Yes.

19 Q Did you save his telephone numbers in your phone?

20 A Yes.

21 Q Did you provide screenshots of those phone numbers to the  
22 Government?

23 A Yes.

24 Q I'm showing the witness only what is marked for  
25 identification as 259A through H.



Alexis - Direct - Geddes

2578

1 MS. GEDDES: May I approach?

2 THE COURT: Yes.

3 Q Do you recognize what was shown in 259A through H?

4 A Yes.

5 Q What were those generally speaking?

6 A Telephone numbers.

7 Q And beginning with 259A, for the witness only please,  
8 what would a telephone number for?

9 A The studio.

10 Q Who's studio?

11 A His studio in Olympia Fields, the chocolate factory.

12 Q The defendant's?

13 A Yes.

14 Q And 259B, what was that?

15 A Also the studio.

16 Q The defendant's studio?

17 A Yes.

18 Q Do you remember where that studio was located?

19 A I believe the same.

20 Q Also in Olympia Fields?

21 A Yes.

22 Q 259C, what was that a phone number for?

23 A His phone number.

24 Q The defendant's?

25 A Yes.

Alexis - Direct - Geddes

2579

1 Q And do you remember what time period the defendant had  
2 that particular phone number?

3 A I don't.

4 Q 259D, what was that a phone number for?

5 A His phone number.

6 Q Again the defendant's?

7 A Yes.

8 Q Again, do you remember when the defendant had that  
9 particular phone number?

10 A No.

11 Q 259E, do you recognize that?

12 A I do.

13 Q What is that?

14 A His number.

15 Q The defendant's?

16 A Yes.

17 Q Again do you remember what time frame he had that phone  
18 number?

19 A That was more recent, but I don't know the exact time  
20 frame.

21 Q How do you recognize that as a phone number that he had  
22 more recently?

23 A Because of how I have it in my phone saved, like the  
24 emojis.

25 Q You recognize those emojis as ones that you saved for a

Alexis - Direct - Geddes

2580

1 more recent phone number for the defendant?

2 A Yes.

3 Q 259F, as in Frank?

4 A A phone number for a runner.

5 Q Do you remember which runner?

6 A Diana.

7 Q A runner for whom?

8 A The defendant.

9 Q Where did you get that phone number from?

10 A More than likely the defendant.

11 Q 259G?

12 A Another runner, Cheryl.

13 Q Is that another runner of the defendant?

14 A Yes.

15 Q That's a phone number for Cheryl?

16 A Yes.

17 Q 259H?

18 A That's a runner, but I don't have a name associated with  
19 that one.

20 Q Is that a runner for the defendant?

21 A It is.

22 Q Was that during a particular time frame?

23 A 2014 and 2015.

24 Q How are you able to tell that?

25 A That's how it's saved in my phone.

Alexis - Direct - Geddes

2581

1 MS. GEDDES: The Government offers 259A through H.

2 MR. CANNICK: No objection.

3 THE COURT: Those are in evidence.

4 (Government Exhibit 259A - 259H, was received in  
5 evidence.)

6 Q What, if anything, happened in 2015 with the defendant?

7 A Can you clarify? I don't recall what you're referring  
8 to.

9 Q Sure. Let me back up.

10 You testified earlier that there was a period of  
11 time after you got after you were pregnant where you stopped  
12 communicating with the defendant. I think you testified that  
13 was approximately two years; is that right?

14 A Yes.

15 Q Then you got back in touch with the defendant, correct?

16 A Yes.

17 Q At that time, you continued to travel to see the  
18 defendant, correct?

19 A Yes.

20 Q You testified earlier that you would travel to see the  
21 defendant and at times you would stay in a hotel. And did you  
22 also say you would sometimes stay somewhere else?

23 A Yes, at the studio.

24 Q At that time, where was the defendant's studio located?

25 A Somewhere in downtown Chicago.

Alexis - Direct - Geddes

2582

1 Q Was it still at the defendant's house in Olympia Fields?

2 A No.

3 Q Do you remember what street that studio was on?

4 A I don't.

5 Q Approximately when you got back in touch with the  
6 defendant after that two-year time period where you didn't see  
7 him, how regularly did you travel to see him?

8 A Quite frequently, maybe every other month, every two  
9 months.

10 Q Was there ever a time that you lived with the defendant?

11 A No.

12 Q Did you ever have any discussions with the defendant  
13 about living with him?

14 A Yes, in the beginning.

15 Q What, if anything, do you recall about that?

16 A We kind of just generally talked about me going to stay  
17 in his home in Olympia Fields while I went to college.

18 THE COURT: When you say the beginning, you mean the  
19 beginning of when you first met him?

20 THE WITNESS: Yes.

21 Q You met him when you were 15 years old, correct?

22 A Yes.

23 Q When did you get your GED?

24 A I was 16 or 17.

25 Q So before you naturally would have finished high school?

Alexis - Direct - Geddes

2583

1 A I would have finished high school when I was 17 turning  
2 18; so, yes.

3 Q Did you get your GED at the same time period as when you  
4 would have if you continued on through high school and  
5 finished high school in the normal course?

6 A It might have been six months before I would have  
7 graduated in 2008.

8 Q Did you also travel to see the defendant in other  
9 locations besides Chicago as you started to have communication  
10 with him again after that two-year hiatus?

11 A I believe Atlanta.

12 Q Did you travel to other cities as well to see him in  
13 concert?

14 A Yes.

15 Q Where else did you travel to see the defendant?

16 A Detroit and I believe Philadelphia.

17 Q Did you travel to California, Palm Springs --

18 A Yes.

19 Q -- to see the defendant?

20 A Yes.

21 Q Did there come a time when you stopped traveling to see  
22 the defendant?

23 A In like 2015 I believe.

24 Q What, if anything, happened in 2015?

25 A I kind of cut ties with him.

Alexis - Direct - Geddes

2584

1 Q Why did you cut ties with the defendant?

2 A It started -- I was in a relationship and just kind of  
3 letting that go.

4 Q Did you tell your partner about your prior relationship  
5 with the defendant?

6 A I did.

7 Q What, if any, communication did your partner have with  
8 the defendant?

9 MR. CANNICK: Objection.

10 THE COURT: Sustained.

11 Q Was there ever a time when your telephone was used to  
12 send a message to the defendant but you weren't the one who  
13 sent it to the defendant?

14 MR. CANNICK: Objection.

15 THE COURT: Overruled.

16 A Yes.

17 Q And did you later have an opportunity to see that text  
18 message or that text message that was sent?

19 A Yes.

20 Q And did the defendant have an opportunity to respond to  
21 that text message?

22 A Yes.

23 Q And when the text message was sent from your phone, was  
24 it made to appear that you had sent the message?

25 A Yes, but I'm sure he knew it wasn't me.

Alexis - Direct - Geddes

2585

1 Q How is that?

2 A Just because the nature of the message.

3 Q Can you describe the nature of the message?

4 A It was more spiritual speaking, I guess, like as in --  
5 I'm not very -- we didn't have that type of conversation, so  
6 he probably knew that it was not coming from me because we  
7 didn't talk like that.

8 Q What, if anything, was said in the message?

9 MR. CANNICK: Objection.

10 THE COURT: Overruled.

11 A Basically allow me to, I guess, something along the lines  
12 of move on in my life, that I wanted to be a wife one day, or  
13 something along those lines.

14 Q You hadn't actually written that text message, had you?

15 A No.

16 Q It was your partner who wrote it?

17 A Yes.

18 Q At the time when that text message was sent, did you  
19 continue to harbor feelings for the defendant?

20 A I did.

21 Q Did the defendant eventually respond?

22 A Yes.

23 Q Do you recall how he responded?

24 A He just basically told me don't get caught up with --  
25 basically, don't waste your time on someone that is unworthy



Alexis - Direct - Geddes

2586

1 of you. And not to send him a message like that ever again.

2 Q Did you continue to communicate with the defendant?

3 A I did.

4 Q Did you see the defendant again after that?

5 A I did.

6 Q Where did you see the defendant?

7 A Mostly in Jacksonville, Florida, when he would come for a  
8 concert.

9 Q Would you go to those concerts?

10 A I did.

11 Q Would you also interact with the defendant during those  
12 concerts?

13 A Yes.

14 Q At some point were you approached by members of my office  
15 to speak with you?

16 A Yes, I was.

17 Q Do you want to be here today?

18 A No.

19 Q What, if anything, did you provide to the Government  
20 after you were approached by the Government?

21 A Just what I had from my time going up there.

22 Q What types of things did you have?

23 A I believe I had a shirt that I asked him for and he gave  
24 it to me. And some I guess stubs from the concert and then  
25 tickets from the airline.

Alexis - Direct - Geddes

2587

1 Q Had you maintained those ticket stubs since your teens  
2 when you first received them?

3 A Yes.

4 Q And you had maintained boarding passes and other  
5 itineraries associated with your travel to see the defendant?

6 A Yes.

7 MS. GEDDES: I'm showing the witness only what is  
8 marked for identification as Government's Exhibit 212.

9 THE COURT: Could I see the parties on side with the  
10 reporter.

11 (Continued on the next page.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Sidebar

2588

1 (Sidebar conference.)

2 THE COURT: Do you have a lot of stuff to put in, a  
3 lot of memorabilia?

4 MS. GEDDES: Some, not a ton.

5 THE COURT: Do you have an objection to putting it  
6 all in at once?

7 MR. CANNICK: Put it all in at once.

8 THE COURT: It will be in evidence, so you can argue  
9 about it. You don't have an objection?

10 MR. CANNICK: None.

11 THE COURT: It can go into evidence.

12 MS. GEDDES: Okay.

13 (End of sidebar conference.)

14 (Continued on the next page.)

15

16

17

18

19

20

21

22

23

24

25

Alexis - Direct - Geddes

2589

1 (In open court.)

2 THE COURT: I think there is an agreement that the  
3 items you're discussing can all go into evidence. Is that  
4 right, Mr. Cannick?

5 MR. CANNICK: That is right.

6 MS. GEDDES: The Government offers Government's  
7 Exhibit 211, 212, 213, 214, 215, 216, as well as Government's  
8 Exhibit 260.

9 THE COURT: Okay. Those are in evidence.

10 (Government Exhibit 211, 212, 213, 214, 215, 216 &  
11 260, was received in evidence.)

12 MS. GEDDES: May I publish Government's Exhibit 212?

13 THE COURT: Sure.

14 Q What is shown in 212?

15 A A ticket for a concert.

16 Q What was the date of this particular concert?

17 A March 26, 2006.

18 Q Was this the concert where you first met the defendant in  
19 Jacksonville?

20 A Yes.

21 Q When you were 15?

22 A Yes.

23 Q I'm showing what is in evidence as Government's Exhibit  
24 211. I'll show the front and then I'll turn it over and show  
25 the back. What is written on Government's Exhibit 211?

Alexis - Direct - Geddes

2590

1 A To Alexis, stay sweet to me.

2 Q Who signed that?

3 A The defendant.

4 Q Who wrote that?

5 A R. Kelly, Robert Kelly.

6 Q When did the defendant -- is this a placemat that you're  
7 looking at?

8 A It is.

9 Q That you provided to the Government?

10 A Yes.

11 Q When did the defendant sign that?

12 A When we were at IHOP.

13 Q After that concert on March 26, 2006?

14 A Yes.

15 Q I'm now showing Government's Exhibit 215. What is shown  
16 in Government's Exhibit 215?

17 A American airlines ticket -- my screen went blank.

18 Q Can you see it now?

19 A I can now.

20 Q Is that a boarding pass for travel by you?

21 A Yes.

22 Q From Jacksonville to Chicago?

23 A Yes.

24 Q On what date were you traveling to Chicago?

25 A July 28, 2007.

Alexis - Direct - Geddes

2591

1 Q Had you just turned 17 years old?

2 A Yes.

3 Q Why were you traveling to the Chicago?

4 A To see the defendant.

5 Q Who paid for that travel?

6 A He did, the defendant.

7 Q Do you recall going to -- let me show you.

8 I'm putting on the screen Government's Exhibit 214  
9 and 213; first, 213 and then below that 214. Is that a ticket  
10 stub for a concert on December 30, 2007?

11 A It is.

12 Q And where was that concert held?

13 A Jacksonville, Florida.

14 Q Do you recall where you got those tickets from?

15 A The defendant.

16 Q Were you 17 at the time of that concert?

17 A Yes.

18 Q Below there, Government's Exhibit 214, is that access to  
19 a particular location at the concert?

20 A Yes, like backstage.

21 Q It says a meet and greet; is that right?

22 A Yes.

23 Q Is that for that same concert, the Double Up Tour, on  
24 December 30, 2007?

25 A Yes.

Alexis - Direct - Geddes

2592

1 Q Do you recall how you received that access pass to meet  
2 and greet?

3 A I don't recall, but I'm sure it was from a runner or  
4 someone who gave it to me.

5 Q From the defendant?

6 A Yes.

7 Q Did you provide that ticket stub and that access pass to  
8 the Government?

9 A Yes.

10 Q I'm showing what is in evidence -- I'd like to show this  
11 to the jury only -- Government's Exhibit 260. Is that a  
12 photograph of an e-mail taken from your cellphone?

13 A Yes.

14 Q Do you recall when this photograph was taken  
15 approximately?

16 A When you guys came to Jacksonville or --

17 Q So relatively recently?

18 A Uh-huh.

19 Q When you say "you guys" are you referring to the  
20 Government?

21 A Yes.

22 Q Is this a copy of an e-mail between yourself and someone  
23 who used the e-mail address Dlocksmith01@gmail.com?

24 A Yes.

25 Q What was the date -- does this e-mail reflect travel

Alexis - Direct - Geddes

2593

1 arrangement between Jacksonville and Chicago?

2 A Yes.

3 Q What was the date of the travel?

4 A Sunday May 25, 2008.

5 Q Were you 17 at that time?

6 A I was.

7 Q Who do you understand -- do you have any understanding of  
8 who Dlocksmith01@gmail.com was?

9 A I don't.

10 Q Do you know who arranged your travel to Chicago?

11 A It was whoever that person is.

12 Q Do you understand that individual to be someone who  
13 worked for the defendant?

14 A Yes.

15 MR. CANNICK: I'm going to object. I don't want to  
16 make a speaking objection.

17 THE COURT: I think I know.

18 You don't know the person's name, but you know the  
19 person worked for him. Is that what you're saying?

20 THE WITNESS: Yes.

21 THE COURT: All right. Overruled.

22 Q On the second page of Government's Exhibit 260 -- I'm  
23 only publishing this to the jury -- there is an address that  
24 says billing/delivery information. Do you recognize that  
25 address?



Alexis - Direct - Geddes

2594

1 A Yes.

2 (Continued on next page.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Alexis - Direct - Geddes*

2595

1 DIRECT EXAMINATION

2 BY MS. GEDDES: (Continuing.)

3 Q Whose address is that in relation to you?

4 A My great aunt's address.

5 Q And at the time when you were 17 years old, who were you  
6 living with?

7 A With her.

8 Q And you testified earlier that the defendant paid for  
9 your travel to Chicago when you were in your teens.

10 Was there ever a time when you paid for your own  
11 travel?

12 A I believe there was one time.

13 Q And what, if anything, happened after you paid for your  
14 travel?

15 A I believe we were reimbursed, like, via MoneyGram or  
16 something like that, Western Union.

17 Q So is it fair to say that you initially put out money for  
18 the travel, but ultimately the defendant paid for the travel?

19 A Yes.

20 Q Now, earlier I asked you when you first had sexual  
21 contact with the defendant.

22 As you sit here today, do you recall the first time  
23 you had sexual contact with the defendant?

24 A I don't -- I don't recall how old I was, but I remember  
25 where I was.

*Alexis - Direc - Geddes*

2596

1 Q Where were you?

2 A At his home in Olympia Fields.

3 Q Was it the first time you went to Olympia Fields?

4 MR. CANNICK: Objection.

5 THE COURT: Overruled.

6 A No. No.

7 Q And what, if anything, do you recall happening the first  
8 time that the defendant flew you out to Olympia Fields to see  
9 him?

10 A Can you clarify?

11 Q Sure.

12 Do you recall -- first time that you traveled to  
13 Chicago from Jacksonville and the defendant paid for your  
14 flight, what, if any, contact did you have with the defendant  
15 during that first trip?

16 A There wasn't any sexual encounter during the first trip.

17 Q What type of contact did you have with the defendant?

18 A We basically just went to the movies, we kind of just  
19 hung out, went to the mall, just did general things, but we  
20 didn't have sexual contact.

21 Q And do you recall the second time that you traveled to  
22 see the defendant?

23 A I don't. I mean I -- it's so long ago.

24 Q Fair to say you traveled on several occasions to see the  
25 defendant; correct?

*Alexis - Direct - Geddes*

2597

1 A Yes.

2 Q And you traveled on several occasions when you were under  
3 18 years old; correct?

4 A Yes.

5 MS. GEDDES: I would like to show the witness what's  
6 been marked for identification as 3500-A2-3.

7 THE COURT: Do you want to hand it to her?

8 MS. GEDDES: I will just put it on the screen.

9 THE COURT: Okay. For the witness only; right?

10 MS. GEDDES: That's correct.

11 BY MS. GEDDES:

12 Q And I'm showing you the third page of Government's  
13 Exhibit 3500-A2-3.

14 And can you read to yourself what's written in that  
15 paragraph where my pen is pointed?

16 MR. CANNICK: Your Honor, I'm going to object to  
17 this.

18 THE COURT: She's refreshing her recollection.  
19 Just read it to yourself; don't read it out loud.

20 THE WITNESS: Okay.

21 (Pause.)

22 A Okay.

23 Q Does that refresh your recollection as to how old you  
24 were during the time frame when you were having sexual contact  
25 with the defendant?

*Alexis - Direct - Geddes*

2598

1 A Yes and no, but I mean, it's -- it's, kind of, not what I  
2 remember.

3 THE COURT: Does it refresh your recollection as to  
4 the age you were when you first had sex with him?

5 THE WITNESS: In general, yes. I mean, it's, kind  
6 of, hard to ask me -- you know what I mean? I was -- that was  
7 16 years ago, so it was, kind of -- I don't want to --

8 THE COURT: If it doesn't refresh your recollection,  
9 say it doesn't refresh --

10 THE WITNESS: Okay. It does not --

11 THE COURT: If it does refresh your recollection,  
12 then you have to say that it does. If it doesn't, then you  
13 say that it doesn't.

14 THE WITNESS: Okay. It doesn't.

15 MS. GEDDES: I'm showing the witness -- one moment.  
16 (Pause.)

17 MR. CANNICK: Okay. No objection.

18 MS. GEDDES: The Government offers 483B through -E.

19 THE COURT: Any objection?

20 MR. CANNICK: Your Honor, we've seen them. I have  
21 no objection.

22 THE COURT: Okay. Those are in evidence.

23 (Government's Exhibit 483B through -E received in  
24 evidence.)

25 MS. GEDDES: In addition, the Government offers

*Alexis - Direc - Geddes*

2599

1 483A, which is --

2 MR. CANNICK: Okay. No objection.

3 (Government's Exhibit 483A received in evidence.)

4 MS. GEDDES: May I publish, Your Honor, beginning  
5 with 483B?

6 THE COURT: Yes.

7 BY MS. GEDDES:

8 Q What is shown in 483B?

9 A The defendant on stage and Elizabeth and myself in the  
10 crowd.

11 Q Which one are you?

12 A I'm the one to the right of the defendant's hand.

13 Q And is that right here?

14 A Yes.

15 Q And do you remember where this photograph was taken?

16 A The concert in 2006.

17 Q The concert when you were 15 years old when you met the  
18 defendant?

19 A Yes, ma'am.

20 Q And, now, did you provide these photographs to the  
21 Government?

22 A I did not.

23 Q Was there a time when the Government provided a video for  
24 you that you reviewed?

25 A Yes.

*Alexis - Direct - Geddes*

2600

1 Q And are these photographs -- and I'm going to show you  
2 them before I ask the question -- before you answer the  
3 question, but my question is going to be, are these  
4 photographs still shots taken from the video?

5 A Yes.

6 Q I'm going to show you 483C, E, and D, slightly out of  
7 order.

8 (The above-referred to exhibits were published.)

9 BY MS. GEDDES:

10 Q Are those still shots taken from the video?

11 A Yes.

12 MS. GEDDES: And can we please play, if our  
13 recording equipment is working, 483, please?

14 THE COURT: Sure.

15 MS. GEDDES: 483A. I'm sorry.

16 (Video played.)

17 (Video paused.)

18 MS. GEDDES: All right. Please continue. Sorry.

19 (Video played.)

20 MS. GEDDES: Can you pause for a moment?

21 (Video paused.)

22 BY MS. GEDDES:

23 Q What, if anything, did you just see on the video?

24 A The defendant was standing there, and then we're walking  
25 to go towards the -- like, the stairs to go up on the stage.

*Alexis - Direct - Geddes*

2601

1 Q And what, if any, contact did you just have with the  
2 defendant?

3 A It looked like maybe he -- can we go back?

4 Q Sure.

5 (Video played.)

6 (Video paused.)

7 Q What, if any, contact did you have with the defendant?

8 A I believe he touched he Elizabeth's hand, but we were  
9 talking -- I don't know what exactly was said, but we were  
10 talking, and I probably asked him if I can come up on stage.

11 Q All right.

12 MS. GEDDES: Can you continue playing?

13 (Video played.)

14 (Video paused.)

15 MS. GEDDES: One moment.

16 (Pause.)

17 MS. GEDDES: Nothing further.

18 THE COURT: All right.

19 Cross-examination?

20 MR. CANNICK: Very, very briefly. Maybe there won't  
21 be a question. Let's just see.

22 (Pause.)

23 MR. CANNICK: Your Honor, with the consent of the  
24 Government, I'm offering this -- these text messages into  
25 evidence as Defense Exhibit DD.

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*



*Proceedings*

2602

1 THE COURT: DD, and then -- collectively?

2 MR. CANNICK: Collectively.

3 THE COURT: All right. We'll figure out a way to do  
4 this. Do you know how many pieces there are, approximately?  
5 We can work that out later.

6 MR. CANNICK: Yes.

7 THE COURT: DD in evidence.

8 No objection?

9 (Pause.)

10 THE COURT: It's a collective exhibit?

11 MR. CANNICK: Yes.

12 THE COURT: I'm going to go with "yes."

13 (Defense Exhibit DD received in evidence.)

14 Any questions for the witness?

15 MR. CANNICK: None.

16 THE COURT: All right.

17 MR. CANNICK: Thank you.

18 THE COURT: I guess there's no redirect.

19 Okay. So the witness can step out.

20 (Witness steps down.)

21 THE COURT: Are we done for the day?

22 MS. GEDDES: I have one additional witness that we  
23 could call, or --

24 THE COURT: Let's do it.

25 MS. GEDDES: All right.

*Proceedings*

2603

1 THE COURT: Go ahead.

2 MS. GEDDES: The Government calls Scott Delaney.

3 THE COURT: Does your colleague know to get him?

4 MS. GEDDES: I don't know, but I will let him know.

5 THE COURT: All right.

6 (Pause.)

7 (Witness takes the stand.)

8 THE COURTROOM DEPUTY: Raise your right hand for me.

9 (Witness sworn.)

10 THE COURTROOM DEPUTY: Please have a seat.

11 THE COURT: You can take the mask off.

12 All right. Just a couple of things before we start.

13 Just make sure you speak into the microphone and

14 slowly so the jury can hear you and the court reporter can

15 take down everything that you say. And don't speak over

16 whichever lawyer is asking you questions; just let the person

17 finish the question. If something is not clear or you want to

18 have it repeated, let me know, and I will direct the lawyer to

19 rephrase the question or to repeat it. And just do your best

20 to answer the specific question that you are being asked,

21 okay?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Go ahead.

24 (Continued on next page.)

25

*Delaney - Direct - Geddes*

2604

1 **SCOTT DELANEY,**

2 called as a witness, having been first duly  
3 sworn/affirmed, was examined and testified as  
4 follows:

5 **DIRECT EXAMINATION**

6 **BY MS. GEDDES:**

7 Q Good afternoon.

8 How are you employed?

9 A I'm a special agent with Homeland Security  
10 Investigations.

11 Q And are you assigned to a particular unit within Homeland  
12 Security Investigations?

13 A Yes. The Computer Forensics Unit.

14 Q And for how long have you been with the Computer  
15 Forensics Unit?

16 A Since May of 2018.

17 MS. GEDDES: I'm showing the witness what's been  
18 marked for identification as Government's Exhibit 495, 496,  
19 and 494, and I will just briefly show defense counsel.

20 **BY MS. GEDDES:**

21 Q Can you take a look at those three exhibits?

22 (Pause.)

23 MS. GEDDES: I'll take it back.

24 **BY MS. GEDDES:**

25 Q Did you recognize those three Government exhibits I just

*Delaney - Direct - Geddes*

2605

1 showed you?

2 A Yes.

3 Q And did you conduct a forensic examination of those three  
4 Government's exhibits?

5 A Yes, I did.

6 MS. GEDDES: The Government offers 495, 496, and  
7 494.

8 THE COURT: Any objection?

9 MR. CANNICK: Maybe to one, Your Honor.

10 THE COURT: Beg your pardon?

11 MR. CANNICK: There might be an objection to one.

12 We are just getting the number so we can speak with the Court  
13 as to our position.

14 THE COURT: Okay.

15 Are you objecting? Would you like a sidebar?

16 MR. CANNICK: Yes, Your Honor.

17 (Sidebar.)

18 (Continued on next page.)

19

20

21

22

23

24

25

*Sidebar*

2606

1 (Sidebar conference held on the record out of the  
2 hearing of the jury.)

3 MR. CANNICK: We only have an objection to -- I  
4 think it's 484 that pertain to the Johnson sisters.

5 MS. GEDDES: I'm not --

6 MR. CANNICK: You are not offering the Johnson  
7 sisters?

8 MS. GEDDES: Not here.

9 MR. CANNICK: Oh, okay.

10 Thank you.

11 Which ones here are --

12 MS. GEDDES: These are just --

13 THE COURT: Is this on the record?

14 MR. CANNICK: No.

15 THE COURT: Okay.

16 (Discussion held off the record.)

17 THE COURT: Are you introducing anything else  
18 through him?

19 MS. GEDDES: No.

20 MR. CANNICK: And how much longer?

21 MS. GEDDES: I'll be, like, literally, five minutes.

22 MR. CANNICK: You said that earlier this morning.

23 THE COURT: No, no, this is a good day. We've  
24 gotten a lot done today.

25 (Sidebar ends; continued on following page.)

*Delaney - Direct - Geddes*

2607

1 (In open court.)

2 THE COURT: So no objection; right?

3 MR. CANNICK: No objection.

4 (Government's Exhibit 495, 496, and 494 received in  
5 evidence.)

6 THE COURT: Those are in evidence. You can publish  
7 them or whatever you want to do with them.

8 MS. GEDDES: I'm beginning with Government's  
9 Exhibit 468 and 460 -- well withdrawn. I'm going to show the  
10 witness only what's been marked for identification as  
11 Government's Exhibit 468 and 469.

12 BY MS. GEDDES:

13 Q Prior to your testimony today, did you have an  
14 opportunity to review Government's Exhibit 468 and 469?

15 A Yes, I did.

16 Q And do you recognize those as partial forensic  
17 extractions from the hard drive that is now in evidence as  
18 Government's Exhibit 494?

19 A Yes, I did.

20 MS. GEDDES: The Government offers 468 and 469.

21 MR. CANNICK: No objection.

22 THE COURT: Okay.

23 (Government's Exhibit 468 and 469 received in  
24 evidence.)

25 MS. GEDDES: I'm now showing the witness what's been

*Delaney - Direct - Geddes*

2608

1 marked for identification as Government's Exhibit 470, 471,  
2 472, and 473.

3 May I approach?

4 THE COURT: Yes.

5 BY MS. GEDDES:

6 Q Prior to your testimony today, did you have an  
7 opportunity to review Government's Exhibits 470 to 473?

8 A Yes, I did.

9 Q And are those Government's Exhibits also partial forensic  
10 extractions from the hard drive in evidence as Government's  
11 Exhibit 495?

12 A Yes.

13 MS. GEDDES: The Government offers 470 through 473.

14 MR. CANNICK: No objection.

15 THE COURT: Okay. Those are in evidence.

16 (Government's Exhibit 470 through 473 received in  
17 evidence.)

18 MS. GEDDES: I want to just publish Government's  
19 Exhibit 473, and this can go to everyone. This is  
20 Government's Exhibit 473.

21 (The above-referred to exhibit was published.)

22 BY MS. GEDDES:

23 Q Does this appear to be an email sent from an address that  
24 says tom.arnold@tcfrs.com to staff@tcfrs.com?

25 A Yes, it does.

*Delaney - Direct - Geddes*

2609

1 Q And can you tell the date that this email was sent?

2 A June 4th, 2009, at 11:04:47 p.m.

3 Q And it looks like that time is in UTC; is that correct?

4 A Yes, that's correct.

5 Q And are you familiar with what UTC is?

6 A Yes.

7 Q What is UTC?

8 A It's the standard time zone, used to be Greenwich Mean  
9 Time.

10 THE COURT: Just slow down a little bit, okay?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Thanks.

13 BY MS. GEDDES:

14 Q Is the body of that -- excuse me. Is the subject line of  
15 that email listed on that Government's exhibit?

16 A Yes, it is.

17 Q What is it?

18 A For runner.

19 Q And what is the body -- what is in the body of the email?

20 A Please call 312-545-7366. Call her in five minutes, and  
21 she will give you an address to where she needs to be picked  
22 up. I think we can pick her up on the way back with the  
23 tavern. I will find out. Thanks. Sent from my Verizon  
24 Wireless BlackBerry.

25 MS. GEDDES: And at this time, pursuant to Federal



*Delaney - Direct - Geddes*

2610

1 Rule of Evidence 803(6) and 902(11), the Government offers  
2 Government's Exhibit 106A --

3 THE COURT: Is that the only one?

4 MS. GEDDES: I'm also going to offer 817.

5 THE COURT: Any objection?

6 MR. CANNICK: No objection.

7 THE COURT: Okay.

8 (Government's Exhibit 106A and 817 received in  
9 evidence.)

10 MS. GEDDES: May I publish?

11 THE COURT: Yes.

12 (The above-referred to exhibit was published.)

13 BY MS. GEDDES:

14 Q In the email you just read, it listed a telephone number  
15 312-545-7366; is that correct?

16 A Yes.

17 Q And I'm publishing what's now in evidence as Government's  
18 Exhibit 106A, and does that indicate the same subject number  
19 as the number listed in the email that you just read,  
20 312-545-7366?

21 A Yes, it does.

22 MS. GEDDES: And if I can publish to the jury only,  
23 please, I'm now going to the second page, and if we could just  
24 zoom in on this particular -- where my finger is pointed.

25 Can you see an individual's name and address listed

*Delaney - Direct - Geddes*

2611

1 there?

2 A Yes.

3 Q And does that show an effective date of May 6th of 2008?

4 A Yes, it does.

5 Q And continuing to the effect of through October 24th of  
6 2009?

7 A Yes.

8 Q Again, just for the record, these are records provided by  
9 Sprint, a telephone company related to that same telephone  
10 number that you just described.

11 And what is the first name listed there? Without  
12 reading the last name, what's the first name?

13 A Michelle.

14 MS. GEDDES: And I'm now putting on the screen what  
15 is now in evidence as Government's Exhibit 817.

16 (The above-referred to exhibit was published.)

17 BY MS. GEDDES:

18 Q And is that a -- that's a certified record from the  
19 County of San Diego within the State of California; is that  
20 correct?

21 A Yes.

22 Q And can you read the first name of the individual listed  
23 there?

24 A Dominique.

25 Q And below that it lists a mother.

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*

*Delaney - Direct - Geddes*

2612

1 Do you see that first name?

2 A Yes.

3 Q And what is that?

4 A Michelle.

5 Q And without reading it, do you see the last name listed  
6 there?

7 A Yes.

8 Q And is that the same last name as what was shown in  
9 Government's Exhibit 106A right where my finger is pointing?

10 A Yes, it is.

11 Q And does this birth certificate indicate a birth date of  
12 August in 1991?

13 A Yes, it does.

14 Q And at the time of the email that you just read, which I  
15 believe you said was dated -- and just for the record, I'm  
16 referring to Government's Exhibit 473 -- that was dated  
17 June 4th of 2009?

18 A Yes.

19 Q And so as of June 4th, 2009, is the individual listed in  
20 Government's Exhibit 817, would that individual, based on a  
21 birth date of August '91 would have been 17 years old?

22 A Correct.

23 MS. GEDDES: And, finally, I'm showing the witness  
24 what's been marked for identification as Government's  
25 Exhibit 482.

*Denise Parisi, RPR, CRF*  
*Official Court Reporter*

*Delaney - Direct - Geddes*

2613

1 BY MS. GEDDES:

2 Q Do you recognize Government's Exhibit 482?

3 A Yes.

4 Q And are those contacts that were saved in cellular  
5 telephone provided in Government's Exhibit 496 --

6 A Yes, they are.

7 Q -- which is now evidence?

8 MS. GEDDES: The Government offers Government's  
9 Exhibit 482.

10 THE COURT: Any objection?

11 MR. CANNICK: None.

12 (Government's Exhibit 482 received in evidence.)

13 MS. GEDDES: May I publish, please?

14 THE COURT: Yes.

15 (The above-referred to exhibit was published.)

16 BY MS. GEDDES:

17 Q You don't need to read the phone numbers, but who are the  
18 individuals saved in that cell phone?

19 A June Bug, Rob, Studio, Tom, and Voicemail.

20 Q And were those the only contacts listed in that  
21 particular cell phone?

22 A Yes, they were.

23 MS. GEDDES: No further questions.

24 THE COURT: Any cross-examination?

25 MR. CANNICK: None.

*Denise Parisi, RPR, CRR*  
*Official Court Reporter*

*Proceedings*

2614

1 THE COURT: All right.

2 You can step down. Thank you so much.

3 THE WITNESS: Thank you.

4 (Witness steps down.)

5 THE COURT: I think that does it for today?

6 MS. GEDDES: It does.

7 THE COURT: Okay. So we're going to break for  
8 today. We'll be working just until one o'clock tomorrow, so  
9 don't talk about the case tonight, don't read anything about  
10 it, or watch any news accounts or anything like that, but have  
11 a good night, I'll see you tomorrow. Let's pray for no rain.

12 THE COURTROOM DEPUTY: All rise.

13 (Jury exits.)

14 THE COURT: All right.

15 Everybody can have a seat.

16 What's the general plan for tomorrow?

17 MS. GEDDES: The Government has about four to five  
18 witnesses, most of them are relatively short.

19 THE COURT: Okay. All right.

20 I know you know this already, but, you know, if  
21 something is in evidence, you don't have to ask the -- you can  
22 just read right from it. You don't have to ask him the  
23 question. I know you know that, but it's fine to do it  
24 yourself. You won't get an objection, I don't think.

25 MS. GEDDES: Thank you.

*Proceedings*

2615

1           THE COURT: Is there anything anybody wants to put  
2 on the record before we break for today?

3           (Pause.)

4           THE COURT: It looks like no.

5           Okay. Good. I will see you tomorrow morning, then.

6

7           (Matter adjourned to September 3, 2021, at 9:30 a.m.)

8

9                               \*           \*           \*           \*           \*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

INDEXWITNESS :PAGE :**YONGFEI WU**

DIRECT EXAMINATION 2447  
BY MS. GEDDES

CROSS EXAMINATION 2476  
BY MR. CANNICK

**CHRISTOPHER WILSON**

DIRECT EXAMINATION 2478  
BY MS. CRUZ MELENDEZ

CROSS-EXAMINATION 2506  
BY MR. CANNICK

REDIRECT EXAMINATION 2507  
BY MS. CRUZ MELENDEZ

**MIKE WILSON**

DIRECT EXAMINATION 2510  
BY MS. GEDDES

**ALEXIS**

DIRECT EXAMINATION 2548  
BY MS. GEDDES

**SCOTT DELANEY**

DIRECT EXAMINATION 2604  
BY MS. GEDDES

\*\*\*\*\*

**EXHIBITS**

Government Exhibit 960	2472
Government Exhibit 493	2481
Government Exhibit 346 & 486	2484
Government Exhibit 325 & 325A	2485
Government Exhibit 475, 475A, 476, 476A, 477, 477A, 478, 478A, 479, 479A, 480, 480A, 487, 487A, 488, 488A, 489, 489A, 490, 490A, 491, 491A, 492, and 492	2487
Government's Exhibit 961	2503
Government's Exhibit 347	2513
Government Exhibits 326, 326(a)-(j), 327, 328, 328(a), 329, 329(a), 336, 336(a), 341, 342, 343, 341(a), 342(a), 343(a)	2537
Government Exhibit 63	2548
government Exhibit 63(a)	2549
Government Exhibit 938 & 959	2576
Government Exhibit 259A - 259H	2581
Government Exhibit 211, 212, 213, 214, 215, 216 & 260	2589
Government's Exhibit 483B-E	2598
Government's Exhibit 483A	2599
Defense Exhibit DD	2602
Government's Exhibit 495, 496, and 494	2607
Government's Exhibit 468 and 469	2607
Government's Exhibit 470-473	2608
Government's Exhibit 106A, 817	2610
Government's Exhibit 482	2613